

An Exact
ABRIDGMENT
Of all the
Public Acts of Assembly,
OF
VIRGINIA,
In Force and Use.

Together with
Sundry PRECEDENTS, adapted thereto.

AND
Proper TABLES.

By JOHN MERCER, *Gent.*

WILLIAMSBURG:

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TO THE
SUBSCRIBERS,

THIS
ABRIDGMENT
OF THE

Public Acts of ASSEMBLY,
OF
VIRGINIA,

Is Dedicated,

BY
Their very humble Servant,

John Mercer.





To the
READER.

AS the Encouragement I met with from the great Number of Subscriptions to this Book, leaves me no Room to doubt but it will fall into many Hands who may not be conversant with Books of this Nature; and as the Method and Tables made Use of, may not be altogether so plain to them, as to be understood without any Directions; I thought myself under an Obligation to make them as intelligible as a small Preface would allow me Room to do.

THE several Acts being digested under their proper Titles alphabetically, may, for the most part, be turn'd to, without the Trouble of looking into any Table for Direction; but, as many Acts contain several distinct Matters, and therefore regularly ought to have been divided and placed under the several proper Titles, as in the Abridgment of the English Statutes, which was the Method I had proposed to my self, I should have proceeded in that Manner, had not several of my Subscribers recommended it to me, rather to abridge the

To the R E A D E R.

the whole Act together, under the Principal Head to which the Title of the Act related: But that several of them are placed under improper Titles, is owing to the Books being put into the Press, and printed off to the Title LANDS, Page 137, before the last Assembly met; so that, to include the Acts of that Session, without which the Book would not be complete, I was under a Necessity to place the First Act, relating to DUTIES, under the Title TREASURER, Page 320. The Second Act, which should have been under the Title BURGESSSES, at the Beginning of the Book, I was oblig'd to place at the End, continuing the Number of the Sections in Course, from the End of that Title, Page 18. The Fourth, relating to APPRENTICES, is added at the End of the Title SERVANTS. The Fifth, relating to the Sale of Goods taken in Execution, or for Rent, which is now placed under the Title RENTS, would more properly have come under that of EXECUTIONS; but could not find Room there. The Sixth had the same Difficulty, and was therefore obliged to place it at the End of the Book, under its proper Title, DEBTORS. The Eighth relating to Officers Fees, found Room in its proper Place, by turning out the old Act, which expired; but at the Expence of a great deal of Printing and Paper, which was lost by the Exchange, the old Act having been printed off. The Tenth, concerning PHYSICIANS, might have come into its proper Place; but being some Time overlook'd at the Press, was just taken Notice of Time enough to come in the last Title under the Letter P. Page 204. But the Eighteenth Act, about FERRIES, for want of Room, was put at the End of the Book, under its proper Title, continuing the Number of the Sections, for the Convenience of the Tables, from the same Title, Page 85.

THE

THE Table at the Beginning of the Book, contains the Titles of all the Acts, as well Private as Public, distinguishing which of the Public are obsolete, expir'd, or repeal'd, and under what Heads those now in Force are abridg'd; the several Sessions they were made in, with the Governor's and Speaker's Names at the End of each: If any are said to be obsolete, expir'd, or repeal'd, which really are not so, I am sufficiently justified by the Body of Laws; which being Revised and Printed by Public Authority, I choſe as the best Standard.

THE First or Principal Table, at the End of the Book, will, I presume, when understood, render any Thing very easy to be found. The Titles in the Abridgment are in that Table, printed in the German Text Character, with the Pages of the Book answering respectively, as Acts of Assembly, Page 1. Attornies, Page 2; and under the several Titles so printed, the several Sections of any other Titles relating to it, are set down in an Italian Character, as, Fees, Sect. 16. Judicial Proceedings, 8, 9, 16, to 64, 73, 82. Lands, 58, 59, 63, and so to the End. In every of which Titles and Sections, may be found something relating to Attornies. The same Method is observed, under the Heads printed in the Table, in the common Roman Character, as, Abatement, Account, Administrators. But where the Title is printed in that Character in the Table, there is no such Title contained in the Book; but the several Titles and Sections underneath, direct to every thing relating thereto; and where no Number of the Section is added, the whole Title is referred to, as, under Administrators, Executors & Administrators, & Probats, have no Sections added, which shews that something relating to Administrators is contained dispersedly through those two Heads or Titles: So, under the Titles of the several

several Offices or Office's, in the Table. may be found every Thing relating to or enjoyned such Officers in their Offices respectively, as, Churchwardens, Constables, or any other holding any Office Ecclesiastical, Civil, or Military.

T H E Second Table contains the Alphabetical Titles or Heads in the Abridgment, and under each Head the several Acts abridged under that Head, with the Page answering thereto. And,

T H E Last Table has, under every Session, against the Number of the Chapter, the Title under which that Chapter is abridged, with the Page referring to it; and where any Number is omitted, that Chapter or Act is obsolete, repeal'd, or expir'd.

T H E References in the Margin of the Abridgment, shew the Year and Number of each Chapter, and the Page of the Laws at large answering thereto; but as the Laws of the Two last Sessions are printed separately, and begin each Page 1, the Pages of those are referred to by the Name of Appendices, in the Margin, the first (App.) simply, and the last (App. II.) tho' was that omitted or mistaken, as it is in some Places, through the Oversight of the Press, the Year, which is every where set down, would be a sufficient Direction; the first Session being in the Year 1734, and the last in 1736. And for the Satisfaction of those who may not understand the Year of the King, which is set down at the Beginning of every Act, the Year of the Lera is set down in the Margin.

A S the Alterations and Additions made to the Book, by the Laws of the last Session, necessarily delayed
the

the publishing of it, a considerable Time, which was further protracted by some unforeseen Accidents, a great Number of my Subscribers, who had also subscribed for the Virginia Justice, lately published by Mr. Webb, insisted on my adding some Precedents, adapted to the Acts of Assembly, which were omitted by him, which I have added at the End of the Book; and where the Proper Precedents are in that Book, I have referred to the Page where they may be found.

'A S the great Distance I was at from the Printer, and the attending my Practice, rendered it impossible for me to undertake to correct the Press, so I make no Doubt but the Reader will be so candid as to make an Allowance for the Typographical Errors he may meet with. Those Errata which are considerable are noted; but if any such have escaped my Notice, I shall take Care to advertise them as soon as conveniently I can, after the Book comes out of the Press to my Hands, with such other Remarks as may render it as useful as possible: And, as I propose, from Time to Time, as the Assembly meets, to continue this Abridgment, I shall always add proper Directions, to shew which of the Acts herein contained, are repealed, expired, or interfere with such as shall be made each Session: Which, I hope, will make this First Undertaking of mine, answer the Expectation of the Subscribers.



A T A B L E O F T H E

Public Acts of Assembly : W I T H The Heads under which they stand.

Anno 13 Car. 2, (23 Mar. 1661.) Session 1.

1. **C**HURCH to be built, or Cha- } Churches. Page 2.
pel of Ease.
2. Vestries appointed } Vestries. Pag. 3.
3. Glebes to be laid out. Repealed.
4. Ministers to be inducted. 1642. } Ministers.
5. Ministers to provide Readers. } Readers.
6. Liturgy to be read. } Ministers. Pag. 4.
7. Church Catechism. } Ministers.
8. Ministers to preach Weekly. } Ministers.
9. Sundays not to be profaned. Repeal'd.
10. The Thirtieth of January to be } Feasts and Fasts. Pag. 5.
kept a Fast.
11. The Twenty Ninth of May to } Feasts and Fasts.
be kept Holy.
12. None to be Married but by Ministers, nor by them
but by License, or publishing the Banns. Repeal'd.
13. Church-wardens to make Presentments. Repeal'd.
14. Burial of Servants, or Others, pri- } Births, &c.
vately, prohibited.
15. Church-wardens to keep the Church in } Churches. Pag. 6.
Repair, and provide Ornaments.
16. Registers to be kept by the Ministers, or Readers.
Repeal'd.
17. Licenses

A T A B L E of the Public Acts.

17. *Licenses for Marriage, how to issue.* Repeal'd.
 18. *Provision for a College.* Obsolete.
 Pag. 7. 19. *Courts.* Repeal'd.
 20. *Actions to be proportioned.* Repeal'd.
 21. *Courts to Sit from Eight to Eleven of the Clock in the Forenoon, from One to Three in the Afternoon.* Repeal'd.
 22. *The Plaintiff to file his Declaration Three Days before the Day of Hearing.* Repeal'd.
 23. *Adjournment to the last Two Days, for Determination of References, by Advifare volumus, or Actions erected in Court Time.* Repeal'd.
 24. *Criminal Causes to be tried at the General Court.* Repeal'd.
 25. *The Governor, and Two of the Council, to go the Circuit.* Repeal'd.
 Pag. 8. 26. *Appeals, how to be made.* Repeal'd.
 27. *Amerciaments in the General Court, Fifty Pounds of Tobacco per Cause; in County Courts Thirty per Cause.* Repeal'd.
 28. *Subpœna's to be issued by the Clerk.* Repeal'd.
 29. *Dedimus Potestatem, how to issue.* Repeal'd.
 30. *Penalties for Non-appearance of Evidence.* Rep.
 31. *County-courts appointed.* Repeal'd.
 32. *No Arrest without Entry of Action.* Repeal'd.
 33. *The Defendant to put in his Answer.* Repealed.
 Pag. 9. 34. *Form of Entering the Court.* Repealed.
 35. *Courts not to take Cognizance of any Thing under Two Hundred Pounds of Tobacco.* Repeal'd.
 36. *Private Courts prohibited.* Repeal'd.
 37. *Trials by Juries.* Repeal'd.
 38. *Grand Juries to present Offenders.* Repeal'd.
 39. *Pillories to be erected at each Court.* Repeal'd.
 40. *Fines to be disposed of by the Assembly.* Obsolete.
 41. *Superfedeas, by whom, and how grantable.* Repeal'd.
 Pag. 10. 42. *Prisons to be built in each County.* Repeal'd.
 43. *Dwellers within the Rules of any Prison, not to have any Benefit thereof.* Repeal'd.
 44. *Sheriff to be chosen in the Commission.* Repeal'd.
 45. *Sherifs not making Return.* Repeal'd.
 46. *Sherifs to take Bail.* Repeal'd.
 47. *Non est inventus.* Repeal'd.
 48. *Appraisement of Goods.* Repeal'd.
 Pag. 11. 49. *No Commissioner, Clerk or Sheriff, to be Attornies in the Court where they officiate.* Attornies.
 50. *Publication of Writs for Election of Burgeses.* Rep.
 51. *Publick*

51. *Publick Levies to be first paid.* Repeal'd.
52. *The Sheriff upon the Instance of the Treasurer, or his Deputy, to collect the Quit-Rents.* Quit-Rents.
53. *List of Tithables, how to be taken.* Repeal'd. Pag. 12.
54. *What Persons are Titheable.* Repeal'd.
55. *Counsellors, and Ten Persons, to be exempted out of the Levy.* Repeal'd.
56. *Artificers not planting Tobacco, freed from Payment of the Levy.* Repeal'd.
57. *Counsellors to raise a Levy.* Expir'd.
58. *No A rests to be made on the Sabbath Days.* Rep.
59. *Reward for killing Wolves.* Repeal'd.
60. *Commissioners to take Security of Sheriffs.* Repeal'd. Pag. 13.
61. *Judgment before Commissioners.* Judicial Proceed.
62. *Persons removing into the Bay.* Debtors. Pag. 14.
63. *English Weights and Measures.* Weight & Measures.
64. *County-courts to grant Probates and Administrations.* Repeal'd. Pag. 15.
65. *Administrations, to whom to be granted.* Repeal'd.
66. *Concerning Orphans.* Repeal'd.
67. *Orphans Land not to be aliened.* Orphans.
68. *Grants of Land.* Obsolete.
69. *Deserted Lands.* Repealed.
70. *Seating upon others Dividends.* Lands. Pag. 16.
71. *Not to shoot or range upon other Men's Lands.* Repeal'd
72. *Lands five Years in Possession.* Repeal'd.
73. *Against fraudulent Conveyances.* Repeal'd.
74. *Quit-Rents, how to be paid.* Repeal'd.
75. *Surveyors of Land.* Repeal'd.
76. *Land to be plainly marked and bounded.* Repeal'd. Pag. 17.
77. *What Fences shall be sufficient.* Repeal'd.
78. *Bounds of Lands to be every Four Years renewed, by View of Neighbourhood.* Repeal'd.
79. *Surveyors of Highways.* Repeal'd.
80. *Tobacco, when to be demanded.* Repeal'd.
81. *Judgments and Specialties, how long pleadable.* Rep.
82. *Attornies for Business out of England.* Repeal'd.
83. *Burgesses.* Repeal'd.
84. *Burgesses ascertained.* Repeal'd. Pag. 18.
85. *Burgesses Charges ascertain'd.* Repeal'd.
86. *Burgesses to appear upon the Day.* Repeal'd.
87. *Burgesses not to be arrested.* Repeal'd.
88. *No Order to contradict an Act.* Unnecessary.
89. *Assemblies to enquire after Breach of Laws.* Unnecesf.
90. *Public Letters, how to be convey'd.* Repeal'd.
91. *Divulgers of false News,* False News.
92. *Chirurgeons*

A T A B L E of the Public Acts.

92. *Chirurgeons Accounts regulated.* Repeal'd.
 93. *Chirurgeons Accounts pleadable after the Decease of the Party.* Repeal'd.
 94. *Discounts to be made in Courts.* Repeal'd.
 95. *Accounts against dead Mens Estates.* Repeal'd.
 96. *Ballancing Accounts of deceased Persons.* Repeal'd.
 Pag. 19. 97. *Ordinary keepers, how to sell.* Repeal'd.
 98. *Servants, how long to serve.* Repeal'd.
 99. *Against secret Marriage.* Repeal'd.
 100. *Against Fornication.* Repeal'd.
 101. *Hired Servants.* Repeal'd.
 102. *Runaways.* Repeal'd.
 103. *Cruelty of Masters prohibited.* Repeal'd.
 104. *Against unruly Servants.* Repeal'd.
 105. *Against trading with Servants.* Repeal'd.
 106. *No Tobacco to be planted after the Tenth of July.* Rep.
 107. *No Seconds or Slips.* Repeal'd.
 108. *Improvement of Staple Commodities.* Expir'd.
 Pag. 20. 109. *Act for Mulberry Trees.* Repeal'd.
 110. *Encouragement to build Vessels.* Repeal'd.
 111. *Tan-houses to be erected.* Repeal'd.
 112. *Two Acres of Corn for each Titkable.* Grain.
 113. *Stray Horses, &c.* Repeal'd.
 114. *Free Trade.* Repeal'd.
 115. *Exportation of Hides.* Repeal'd.
 Pag. 21. 116. *Exportation of Money.* Money.
 117. *Size of Virginia Hog sheads.* Repeal'd.
 118. *Against private taking away of Boats.* Repeal'd.
 119. *Against Shooting.* Expir'd.
 120. *Supply of Ammunition.* Expir'd.
 121. *Against exacting Millers.* Repeal'd.
 122. *Against Exportation of English Goods.* Expir'd.
 Pag. 22. 123. *No Mares or Sheep to be exported.* Repeal'd
 124. *Against selling of Rum, but in Places appointed.* Rep.
 125. *Against stealing of Hogs.* Repeal'd.
 126. *Masters of Ships to provide Four Months Provision.* Obsolete.
 127. *Concerning Passes.* Repeal'd.
 128. *Imposition of Two Shillings per Hog shead.* Repeal'd.
 129. *Every Inhabitant in Northumberland and Westmoreland Counties, to give an Account how many Hog sheads of Tobacco they made, and to whom sold.* Rep.
 Pag. 23. 130. *Paiment of Fort Duties in Accomack, &c.* Rep.
 131. *Ten Shillings per Hog shead.* Repeal'd.
 132. *Castle Duties to be paid.* Repeal'd.
 133. *Ships to come up to James City.* Repeal'd.
 134. *Priviledge*

134. *Privilege of Virginia Owners.* Virginia Owners.
 135. *A publick Notary appointed.* Expir'd.
 136. *Acts concerning Indians.* Repeal'd. Pag. 24.
 137. *Clerks Fees to be paid.* Obsolete.
 138. *Interpreters made for the Country.* Expir'd.
 Francis Moryson, *Esq*; Deputy Governor,
 in the Absence of Sir William Berkeley.
 Robert Wynne, *Speaker*.

- Anno 14 Car. 2. (Dec. 2. 1662;) Sef. 2. Pag. 25.
 1 **A**N Act concerning Sheriffs making false Returns.
 Repeal'd.
 2 An act concerning Servants, Owners of Goods. Rep.
 3. An act against Persons that refuse to have their Chil-
 dren baptized. Baptism.
 4. An act declaring how Judgments shall be passed, up- Pag. 26.
 on a Non est inventus returned. Repeal'd.
 5. An act for Punishment of scandalous Persons. Slander.
 6. An act concerning Women Servants got with Child
 by their Masters. Repeal'd.
 7. An act for compelling Witnesses subpœna'd, to deliver
 their Evidence upon Oath. Repeal'd.
 8. An act concerning Servants being the reputed Fathers
 of Bastard Children. Repeal'd.
 9. An act enjoyning the recording all Conveyances made
 in England, in the Secretary's Office. Repeal'd.
 10. An act for Defendants in Appeals, to give in Se- Pag. 27.
 curity to answer the Appeal. Repeal'd.
 11. An act concerning Servants brought in under Six-
 teen Years of Age, Repeal'd.
 12. An act for Mulatto Children, being bond or free
 to serve according to the Condition of the Mother. Rep.
 13. An act declaring Women Servants Tithable. Rep.
 14. An act ascertaining Damages upon Bills protested. Re.
 15. An act empowering Counties or Parishes, to make
 By-Laws. Repeal'd.
 16. An act for building a Town. Expir'd.
 17. An act for the Imposition of Two Shillings per Hog- Pag. 28.
 shead. Repeal'd.
 18. An act concerning Castle Duties. Repeal'd.
 19. An act imposing a Tax upon Horses. Repeal'd.
 20. An act for Encouragement to build Vessels. Rep.
 21. An act for Handycraftsmen to pay Levies. Expir'd.
 22. An act repealing the act for itinerary Judges.
 23. An act concerning Hides. Repeal'd.
 Sir William Berkeley, Governor.
 Robert Wynne, *Speaker*.

Pag. 29.

Anno 15 Car. 2. (Sept. 10. 1663.) Sef. 3.

1. *AN act prohibiting the unlawful Assembling of Quakers. Repeal'd.*
2. *An act concerning the Bounds of this Colony, on the Eastern-Shore. Obsolete.*
3. *An act prohibiting the Exportation of Deer-Skins, or Calf Skins. Repeal'd.*
4. *An act prohibiting the Entertainment of Indians, without Badges. Obsolete.*
5. *An act for better Paiment of the Ten Shillings per Hogshead. Repeal'd.*

Pag. 30.

6. *An act concerning the Salt Work at Accomack. Rep.*
7. *An act for the exacter Discovery of concealed Tithables. Repeal'd.*
8. *An act concerning the Pursuit of Runaways. Rep.*
9. *An act for the Half of all Fines to be paid to the Informer. Obsolete.*
10. *An act concerning Foreign Debts. Repeal'd.*
11. *An act permitting Persons under Execution, to redeem their Bodies with their Estates. Repeal'd.*
12. *An act concerning a Stint. Repeal'd.*
13. *An act respiting the Time for planting Mulberry-Trees. Expir'd.*

Pag. 31.

14. *An act for keeping Holy the Thirteenth of September. } Feasts and Fasts.*
15. *An act repealing the act of Amerciaments.*
16. *An act concerning the Entert. of Strangers. } Entertainment of Strangers.*
17. *An act concerning the Northern Indians. Indians.*

Pag. 33.

18. *An act prohibiting Servants going abroad without License. Repeal'd.*

Sir William Berkeley, Governor.
Robert Wynne, Speaker.

Anno 16 Car. 2. (Sept. 20. 1664.) Sef. 4.

Pag. 34.

1. *AN act for the Priority of Paiment to the Country Creditors. Repeal'd.*
2. *An act for Frontiers to be seated with Four able Hands. Repeal'd.*
3. *An act for Liberty to plant. Expir'd.*
4. *An act for proportioning all Actions for the Forenoon and Afternoon. Repeal'd.*
5. *An act concerning the regulating the Secretary's Office. Expir'd.*

Pag. 35.

6. *An act for convening of the People, upon Summons of the Burgeses to adjourned Assemblies. Repealed.*

7. *An*

7. *An act concerning Widows Thirds.* Repeal'd.
8. *An act repealing the act concerning Rum.*
9. *An act concerning Arrests in Court Times.* Obsolete.
Sir William Berkeley, Governor.
Robert Wynne, Speaker.

Anno 17 Car. 2. (Oct. 10. 1665.) Sef. 5.

Pag. 36.

1. ***A**N act empowering a Justice of the Peace to grant Attatchments.* Repeal'd.
2. *A Repeal of the act for defraying the Encouragement for killing Wolves, by a Tax upon Horses.*
3. *An act prohibiting the Sale of Ams to the Indians.* Repeal'd.
4. *An additional act for better restraining the Exportation of Hides.* Repeal'd.
5. *An act concerning the Intent of some former Penal acts.* Expir'd.
6. *An act concerning bounding of Counties and Parishes.* Pag. 37.
Expir'd.
7. *An act repealing the act of Ten Shillings per Hogshead.*
8. *An act concerning the Indians.* Indians.
9. *An act concerning the building of a Fort.* Expir'd. Pag. 38.
10. *An act preparatory to a Stint, or Cessation.* Repeal'd.
Sir William Berkeley, Governor.
Robert Wynne, Speaker.

Anno 18 Car. 2. (June 5. 1666.) Sef. 6.

Pag. 39.

1. ***A**N act for a Cessation.* Expir'd.
2. *An act concerning Tenders of Tobacco.* Repeal'd.
3. *An act for altering the Day of General Court.* Rep.
4. *An act for Repeal of the act preparatory to a Stint.*
Sir William Berkeley, Governor.
Robert Wynne, Speaker.

Anno 18 Car. 2. (Oct. 23. 1666.) Sef. 7.

Pag. 40.

1. ***A**N act for a Cessation.* Expir'd.
2. *An act shewing how Debts are to be paid the Cessation Year.* Expir'd.
3. *An act for Valuation of Commodities for Paiment of Publick Dues.* Expir'd.
4. *An act for rating of Ordinary-keepers.* Repeal'd.
5. *An act ascertaining Surveyors Fees.* Repeal'd.
6. *An repealing the act of Encouragement for killing Wolves.* Pag. 41.
7. *An act concerning the Salt-Work of Accomack.*
8. *An act prohibiting Indians to come into Henrico County.* Repeal'd.
9. *An*

A T A B L E of the Public Acts.

9. *An act for Supply of Ammunition.* Repeal'd.
 10. *An act for setting up Looms in each County.* Rep.
 11. *An act imposing a Fine for Entertaining Run-aways.* Repeal'd.
 12. *An act concerning Servants coming in without In-
dentures.* Repeal'd.
 Pag. 42. 13. *An act for Criminals to bear their own Charges of
Prosecution.* Criminals.
 14. *An act of Dispensation for Lower Norfolk to ship
their Tobacco.* Expir'd.
 15. *An act repealing the Acts for Encouragement.*
 16. *An act for Millers to Grind according to Turn.* Rep.
 17. *For including Sheep into the 77th act.* Repeal'd.
 18. *An act ascertaining Damages upon protested Bills
of Exchange.* Repeal'd.
 Pag 43. 19. *An declaring that no Justice shall take Fee.* Useless.
 20. *An act declaring what is meant by seating of Land.*
Repeal'd.
 21. *An act concerning imperfect Patents.* Useless.
 22. *An act commanding Law-Books to be provided for
each County.* Law-Books.
 23. *An act imposing Fines on refractory Persons.* Rep.
 Pag. 44. 24. *An act for the better Explanation of the 46th act
in the printed Book.* Repeal'd.
 Sir William Berkeley, Governor.
 Robert Wynne, Speaker.

- Anno 19 Car. 2. (Sept. 33. 1667.) Sef. 8.
 Pag. 45. 1. *AN act for Tobacco of Maryland Growth, to be
free from Duties.* Expir'd.
 2. *An act declaring that Baptism of Slaves doth not
exempt them from Bondage.* Repeal'd.
 3. *An act for Encouragement for erecting Mills.* Rep.
 4. *An act for Roads to Houses.* Repeal'd.
 5. *An act against Exportation of Corn.* Expir'd.
 Pag. 46. 6. *An act for the Rating Ordinary-keepers.* Repeal'd.
 7. *An act for Forts to be built in each River.* Expir'd.
 Sir William Berkeley, Governor.
 Robert Wynne, Speaker.

- Anno 20 Car. 2. (Sept. 17. 1668.) Sef. 9.
 Pag. 47. 1. *AN act for establishing a Fast.* Expir'd.
 2. *An act for Dispensation of Ships riding under
the Forts.* Expir'd.
 3. *An act concerning Damages on Appeals.* Repeal'd.
 4. *An act about Correction of Runaways.* Repeal'd.
 5. *An*

A T A B L E of the Public Acts.

xvii

5. *An act empowering County-courts to build Work-houses, assisted by the Vestries.* Pag. 48. Workhouses.
6. *An act permitting the Exportation of Horses and Mares.*
7. *An act continuing the Tax on Negro Women.* Rep.
8. *An act concerning the Property of Tobacco.* Tobacco.
9. *An act for Restraint of Tippling Houses.* Repeal'd. Pag. 49.

Anno 21 Car. 2. (Oct. 20. 1669.) Sef. 10.

Pag. 50.

1. *AN act about the casual killing of Slaves.* Rep.
2. *An act against the Importation of Horses and Mares.* Obsolete.
3. *An act for Re-examination of Orders in the County-courts.* Repeal'd.
4. *An act for the Fee of a Dedimus potestatem.* Rep.
5. *An act for freeing Virginia Owners from Castle Duties.* } Virginia Owners. Pag. 51.
6. *An act for Encouragement to make Silk.* Obsolete.
7. *An act for each County to send Two Burgesses.* Rep.
8. *An act for Encouragement to apprehend Runaways.* Repeal'd.
9. *An act for destroying Wolves.* Repeal'd.
Sir William Berkeley, Governor.
Robert Wynne, Speaker.

Anno 22 Car. 2. (Oct. 3. 1670.) Sef. 11.

Pag. 51.

1. *AN act concerning Runaways.* Repeal'd.
2. *An act concerning Fences.* Repeal'd.
3. *An act for the Election of Burgesses, and by whom.* Repeal'd.
4. *An act for Lists of Tithables to be published.* Rep.
5. *An act declaring no Negroes nor Indians to buy Christian Servants.* Repeal'd.
6. *An act shewing how Certificates for Marriages shall issue.* Repeal'd. Pag. 52.
7. *An act concerning litigious Suits.* Repeal'd.
8. *An act concerning Commissioners Warrants.* Repeal'd.
9. *An act imposing a Penalty for not returning Two Burgesses.* Repeal'd.
10. *An act for Repeal of the Act about Wolves.*
11. *An act for the better Paiment of Two Shillings per Hogshead.* Repeal'd.
12. *An act declaring who shall be Slaves.* Repeal'd.
Sir William Berkeley, Governor.
Robert Wynne, Speaker.

A T A B L E of the Public A&ts.

Pag. 54.

Anno 23 Car. 2. (Sept. 20. 1671.) Sef. 12.

1. *A*N act prohibiting Milters the taking of more than One Eighth Part of English Grain Toll, for gringing thereof. Repeal'd.
2. *An* act permitting the Exportation of Wool, Hides, and Iron.
3. *An* act for the moderating the Rates of Liquors. Rep.
4. *An* act providing how Negroes, belonging to Orphans of Intestates shall be disposed of. Repeal'd.
5. *An* act repealing the act making it Death for Indians coming into Henrico County.

Pag. 55.

6. *An* act concerning the Sherifs Fee for Arrests. Useless.
7. *An* act for Naturalization. Useless.

Sir William Berkeley, Governor.
Robert Wynne, Speaker.

Pag. 56.

Anno 24 Car. 2. (Sept. 24. 1672.) Sef. 13.

1. *A*N act for the Defence of the Country. Expir'd.
2. *An* additional act concerning Orphans Estates. Repeal'd.
3. *An* act concerning Tithables born in the Country. Re.
4. *An* act limittin how long Accompts shall be pleadable. Repeal'd.
5. *An* act concerning Servants sold for the Custom. Rep.

Pag. 57.

6. *An* act concerning Masters of Ships, and Collectors. Repeal'd.
7. *An* act for suppressing Vagabonds, and disposing of poor Children to Trades. Vagabonds.

Pag. 58.

8. *An* act for the Apprehension and Suppression of runaway Negroes and Slaves. Expir'd.
9. *An* act shewing how far Mens Notes are pleadable against their Estates, if dead. Repeal'd.
10. *An* act concerning Swamps and Marshes. Repeal'd.

Sir William Berkeley, Governor.
Robert Wynne, Speaker.

Pag. 59.

Anno 25 Car. 2. (Oct. 20. 1673.) Sef. 14.

1. *A*N act for the establishing Dowers of Widows. Re.
2. *An* act providing for the Supply of Ams and Ammunition. Expir'd.
3. *An* act for the better putting in Execution the act for Processions. Expir'd.
4. *An* act for the Advancement of the Manufactory of Flax and Hemp. Repeal'd.
5. *An* act concerning Tradesmen and other Artificers to pay Levies. Repeal'd.

6. *An*

A T A B L E of the Public Acts.

xix

6. *An act permitting the Counties of the Isle of Wight, Pag. 60.
and Lower Norfolk, to erect each of them a Fort.
Never executed.*

*Sir William Berkeley, Governor.
Robert Wynne, Speaker.*

Anno 26 Car. 2. (Sept. 21. 1674.) Sef. 15. Pag 61.

1. ***A**N act for an Address and Supplication to be made
to the King's most Excellent Majesty. Expir'd.*
2. *An act for the Continuance of Two Hundred Pounds
Sterling, per Annum, over and above the One Thousand
Pounds Sterling, per Annum, to Sir William Berkeley,
Knt. Governor. Expir'd.*
3. *An act ascertaining Allowance for Evidences, sum-
mored to the General Court. Repeal'd.*
4. *An act prohibiting the Justices of the several County-
courts, for levying Tobacco upon the People, for their
Accommodation and Expences, whilst they are keeping
Court. Levies.*
5. *An act empowering Mr. Secretary Ludwell, as No- Pag. 62.
tary Publick, to appoint Deputies. Expir'd.*
6. *An act commanding such Indians, who keep Hogs, to
mark the same. Repeal'd.*
7. *An act empowering Feme-coverts to make good Ac-
knowledgment of Sales of Land. Repeal'd.*
8. 9. 10. *Private acts. Pag. 63.*

*Sir William Berkeley, Governor.
Robert Wynne, Speaker.*

Anno 28 Car. 2. (March 7. 1675.) Sef. 16. Pag. 64.

1. ***A**N act for the Safe guard and Defence of the
Country, against the Indians. Expir'd.*
2. *An act prohibiting Trade with the Indians. Rep.*
3. *An act prohibiting the Exportation of Corn, &c.
Expir'd.*

*Sir William Berkeley, Governor.
Augustine Warner, Speaker.*

Anno 28 Car. 2. (June 5. 1676.) Af. 2. Sef. 1. Pag. 65.

1. ***A**N Act for carrying on a War against the bar-
barous Indians.*
2. *An act concerning Indian Trade and Traders.*
3. *An act concerning Indian Lands deserted.*
4. *An act for suppressing of Tumults, Routs, &c.*
5. *An act for the Regulating of Officers and Offices.*
6. *An act for chusing of Vestries.*
7. *An act enabling Freemen to vote for Burgeses,
and preventing false Returns of Burgeses.*

A T A B L E of the Public Acts.

8. *An act for Representatives to vote with the Justices at Levy Courts, and making By-Laws.*
 9. *An act for County-courts to appoint their Collectors, and disabling Counsellors to vote in County-courts.*
 10. *An act for the limiting Sheriffs, &c. a Time to demand the Levies, and for Tenders to be made them.*
 11. *Two Justices of the Quorum to sign Probates, &c.*
 12. *Counsellors, and Ministers Families to pay Levies, and Money allowed them.*
 Pag. 66. 13. *An act altering the Encouragem. for killing Wolves.*
 14. *An act for the further Prevention of Mischief from unruly Horses.*
 15. *An act against Exportation of Corn.*
 16. *An act for the Suppression of Ordinaries.*
 17. *An act limiting the Bounds of James-City.*
 18. *An act repealing Laws concerning Accomack and Northampton.*
 19. *An act of General Pardon and Oblivion.*
 20. *An act disabling Edward Hill and John Stith, to bear Office.*

Sir William Berkeley, Governor.
 Thomas Godwin, Speaker.

N. B. All the Acts and Orders of this last Assembly, were Repeal'd by Proclamation ; and by the 4th Act of a succeeding Assembly held this Year.

- Pag. 67. Anno 29 Car. 2. (Feb. 20. 1676.) Af. 3. Sef. 1.
 1. *AN act of Indemnity and free Pardon. Repeal'd.*
 2. *An act of Attainder. Repeal'd.*
 3. *An act inflicting Pains, Penalties, and Fines, upon great Offenders. Repeal'd.*
 4. *An act declaring all the Acts, Orders, and Proceedings of a Grand Assembly held at James-City, in the Month of June, 1676, void, null, & repealed. Judicial Proceed.*
 Pag. 68. 5. *An act for the Relief of such Loyal Persons as have suffered Loss by the late Rebels. Repeal'd.*
 6. *An act ascertaining the Price of Cocquets. Repeal'd.*
 7. *An act limiting Masters dealing with Servants. Rep.*
 8. *An act limiting Times of Receipt and Payments of Public Tobacco. Repeal'd.*
 9. *An act repealing the Acts allowing Free Tithables to divers Persons.*
 Pag. 69. 10. *An act regulating Ordinaries, and the Prices of Liquors. Repeal'd.*
 11. *An act disposing Amerciaments upon cast Actions. Exp.*
 12. *An*

12. *An act concerning Servants who were out in Rebellion. Repeal'd.*
13. *An act for the Laying of Parish Levies. Repeal'd.*
14. *An act repealing the act of Encouragement for killing Wolves.*
15. *An act giving Liberty of Appeals to the Eastern-shore People. Repeal'd.*
16. *An act giving Seven Years Time to seat Frontier Lands. Expir'd.*
17. *An act regulating Burgesse's Expences. Repeal'd.*
18. *An act for setting apart a Day of Humiliation, and a Day of Thanksgiving. Expired. Pag. 70.*
19. *An act of Naturalization for Garret Johnson. Priv.*
20. *An act for Opening Courts of Judicature. Exp.*
Sir William Berkeley, Governor.
Augustine Warner, Speaker.

Anno 29 Car. 2. (Oct. 10. 1677.) Af. 4. Sef. 1.

Pag. 71.

1. ***A**N act imposing Fines upon Delinquency of Grand Juries. Repeal'd.*
2. *An act prohibiting private Compositions. Expir'd.*
3. *An act licensing trading with Indians. Repeal'd.*
4. *An act imposing Fines on Sheriffs concealing Tithables. Expir'd.*
5. *An act ascertaining the Price of double Patents. Rep.*
6. *An act for the Imposition of Two Shillings on every Five Hundred Pounds Bulk Tobacco. Repeal'd. Pag. 72.*
7. *An act for Delivery of Stray-Horses, &c. Repeal'd.*
8. *An act restraining the Impress of Timber, &c. Rep.*
9. *An act settling the Form of Patents. Expir'd.*
10. *An act ascertaining Coroners Fees. Repeal'd.*
11. *An act declaring the Year 1676, to be out of the Statute of Limitations. Expir'd.*
12. *An act for signing Executions on Judgments in the Assembly. Repeal'd.*

Herbert Jeffreys, Governor.
William Travers, Speaker.

Anno 31 Car. 2. (April 25, 1679.) Af. 5. Sef. 1.

Pag. 73.

1. ***A**N act for the Defence of the Country against the Incursions of the Indian Enemy. Expir'd.*
2. *An additional Act for better preventing stealing of Hogs. Repeal'd.*
3. *An additional and declaratory Law empowering County-courts to make By-Laws. Repeal'd.*
4. *An act declaring how far Accounts are pleadable against dead Mens Estates. Repeal'd.*
5. *An*

5. *An act repealing the 129th Act of Assembly, in the printed Book.*
- Pag. 74. 6. *An act ascertaining Collectors Fees, for Entry and Clearing Ships, &c. Repeal'd.*
7. *An act for securing Orphans Estates. Repeal'd.*
8. *An act prohibiting the Importation of Tobacco into this Colony. Repeal'd.*
9. *An act forbidding Maryland Vessels trading into this Colony, without making due Entry. Expir'd.*
10. 11. *Private acts.*
- Sir Henry Chicheley, Governor.
Matthew Kemp, Speaker.
- Pag. 75. Anno 32 Car. 2. (June 8. 1680.) Af. 6. Sef. 1.
1. *A* *N* act of free and general Pardon, } Pardon.
Indemnity, and Oblivion.
- Pag. 78. 2. *An act for Naturalization.* Naturalization.
- Pag. 80. 3. *An act for raising a Publick Revenue, for } Revenue.
the better Support of the Government of
this his Majesty's Colony of Virginia.*
- Pag. 82. 4. *An act for Continuation of the several Fortifications and Garrisons at the Heads of the Four great Rivers. Expir'd.*
5. *An act for Cohabitation and Encouragement of Trade and Manufacture. Expir'd.*
6. *An act imposing and ascertaining Attornies Fees. Rep.*
7. *An act ascertaining the Time when Negro Children shall be Titbale. Repeal'd.*
8. *An act licensing free Trade with the Indians. Expir'd.*
9. *An act ascertaining Allowances for Cask. Repeal'd.*
10. *An act for preventing Negros Insurrections. Rep.*
11. *An act for Presentation and Delivery of Grievances. Repeal'd.*
- Pag. 83. 12. *An act prohibiting the Transportation of raw Hides and Deer Skins. Repeal'd.*
13. *An act prohibiting unlawful Dis- } Disturbers of Di-
turbances of Divine Service. } vine Service.*
14. *An act reviving and re-inforcing an act }
made at James City, the Twentieth of Oc } Indians.
tober, 1665, and putting the same in due }
Execution.*
- Pag. 84. 15. *An act for the well clearing the Heads of the Rivers and Creeks from Logs and Trees, for the more safe passing of Sloops and Boats. Repeal'd.*
16. *Additional Fees ascertained to County Clerks. Exp.*
17. *An*

A T A B L E of the Public Acts.

xxiii

17. *An act restraining striking and killing Fish, at unseasonable Times. Repeal'd.*

Lord Culpeper, Governor.
Thomas Ballard, Speaker.

Anno 34 Car. 2. (Nov. 10. 1682.) Af. 7. Sef. 1. Pag. 85.

1. *AN act to repeal a former Law, making Indians, and others, free. Repeal'd.*
2. *An act declaring Indian Women Servants Tithables. Re.*
3. *An additional act for the better preventing Insurrections by Negroes. Repeal'd.*
4. *An act prohibiting the Exportation of Iron, Wool, Wool Fells, Skins, Hides, or Leather. Repeal'd.*
5. *An act directing how Commissions of Dedimus Potestatem, and other Writs, shall issue. Repeal'd.*
6. *An act repealing the Sixth act of assembly, of June, 1680, about Attornies. Repeal'd. Pag. 86.*
7. *An act disbanding the present Soldiers in Garrison in the Forts, at the Heads of the several Rivers; as also for the raising of other Forces in their stead. Exp.*
8. *An act imposing further Penalties upon any Person or Persons that shall publish or declare, that the acts of assembly of Virginia are not of Force. Acts of Assem.*
9. *An act repealing an Exception in the Ninth act of assembly, made Anno 1664. Repeal'd. Pag. 87.*
10. *An act that Witnesses be free from Arrests. Repeal'd.*
11. *An act for the Encouragement of the Manufactures of Linen and Wollen Cloth. Repeal'd.*
12. *An act for the Advancement of the Manufactures of the Growth of this Country, and for the better and more speedy Paiment of Debts and Levies. Expir'd.*
13. *An act for the Public Levy. Expir'd.*

Lord Culpeper, Governor.
Thomas Ballard, Speaker.

Anno 36 Car. 2. (April 16. 1684.) Af. 8. Sef. 1. Pag. 88.

1. *AN act for altering the Time of holding General courts. Repeal'd.*
2. *An act for the better Preservation of the Peace of Virginia, and preventing unlawful and treasonable Associations. } Tobacco Plants.*
3. *An act repealing the act concerning the Pursuit of Runaways. Pag. 89.*
4. *An act for the better Supply of the Country with Arms and Ammunition. Repeal'd.*

5. *An*

A T A B L E of the Public Acts.

5. *An act repealing the 42d and 43d Act of the printed Laws; and for building Prisons in each County; and for ascertaining Rules to each Prison. Repeal'd.*
- Pag. 90. 6. *An act repealing the Act giving Encouragements for the Linen and Woollen Manufacture.*
7. *An act for the better Defence of the Country. Rep.*
8. *An act for Lessening the Levies by the Poll, and laying an Imposition on Liquors. Expir'd.*
9. *An act for the publick Levy. Expir'd.*
 Lord Effingham, Governor.
 Edward Hill, Speaker.
- Pag. 91. Anno 1 Jac. 2. (Oct. 20. 1686.) Af. 1. Sef. 2.
1. *AN additional Act about Runaways. Repeal'd.*
2. *An act declaring Maryland and North-Carolina Debts pleadable. Uteless.*
3. *An act reviving the act, intituled, An Act for the Advancement of Manufactures of the Growth of this Country, &c. Expir'd.*
4. *An act repealing the 17th Act of Assembly, made the 8th Day of June, 1680.*
- Pag. 92. 5. *An act ascertaining Days for Courts in Accomack County. Repeal'd.*
6. *An act regulating the Tares of Tobacco-Hogsheads. Exp.*
7. *An act declaring the 107th Act of Assembly, made the 23d Day of March, 1661-2, to be in Force. Repeal'd.*
8. *An act for the better improving the Breed of Horses. Expir'd.*
9. *An act repealing the 7th Act of Assembly, made at James-City, the 16th Day of April, 1684.*
10. *An act continuing the Imposition upon Liquors. Exp.*
11. *An act for raising a Public Levy. Expir'd.*
 Lord Effingham, Governor.
 Arthur Allen, Speaker.
- Pag. 93. Anno 3 W. & M. (April 16. 1691.) Af. 1. Sef. 1.
1. *AN act giving Reward for killing of Wolves. Rep.*
2. *An act directing how Public Claims shall be certified for Allowances. Repeal'd.*
3. *An act prohibiting Ordinary-keepers to give Credit to Seamen and others. Repeal'd.*
4. *An act to prevent the casting of Ballast into Rivers and Creeks. Repeal'd.*
- Pag. 94. 5. *An act directing how Sherifs and Collectors shall account for Public Dues. Repeal'd.*
6. *An Act reviving the Act for Advancement of Manufactures of the Growth of this Country, &c. Exp*
 7. n.

7. *An act reviving the 6th act of Assembly, made at James-City, the 20th of October 1686, regulating the Tares of Tobacco Horseheads. Expir'd.*
8. *An act for Ports, &c. Suspended.*
9. *An act for a free Trade with Indians. Repeal'd.*
10. *An act to prevent Horses running at large, and barking Fruit Trees. Repeal'd.*
11. *An act for the more effectual suppressing the several Sins and Offences of Swearing, Cursing, prophaning God's Holy Name, Sabbath abusing, Drunkenness, Fornication, and Adultery. Repeal'd.*
12. *An act declaring the Duty of Tanners, } Tanners. Pag. 95.*
Curriers, and Shoemakers.
13. *An act enjoyning the planting and dressing of Flax and Hemp. Expir'd. Pag. 98.*
14. *An act for the Alteration of the Time for processioning of Land. Repeal'd.*
15. *An act for the better Defence of the Country. Rep.*
16. *An act for suppressing outlying Slaves. Repeal'd.*
17. *An act for lessening the Levy by the Poll, and laying an Imposition on Liquors. Expir'd. Pag. 99.*
18. *An act appointing a Treasurer. Expir'd.*
19. *An act for dividing New-Kent County. Private.*
20. *An act for dividing Lower Norfolk County. Private.*
21. *An act for raising a Publick Levy. Expir'd.*

Francis Nicholson, Governor.
Thomas Milner, Speaker.

Anno 4 W. & M. (April 1. 1692.) Af. 1 Sef. 2. Pag. 109.

1. ***A**N act for the better Defence of the Country. Exp.*
2. *An act for Confirmation of Lands. Repeal'd.*
3. *An act for the more speedy Prosecution of Slaves, committing Capital Crimes. Repeal'd.*
4. *An act about Physicians and Chirurgeons Accounts. Repeal'd.*
5. *An act for the dividing Rappahanock County. Private. Pag. 101.*
6. *An act for altering the Day for Princess Anne County Court. Repeal'd.*
7. *An act for raising a Public Levy. Expir'd.*

Francis Nicholson, Governor.
Thomas Milner, Speaker.

Anno 5 W. & M. (March 2. 1692.) Af. 2. Sef. 1. Pa. 102.

1. ***A**N act for suspending the Execution of the Acts for Ports.*
2. *An act concerning Indians Hogs. Repeal'd.*

3. *An*

A T A B L E of the Public Acts.

3. *An act for giving Encouragement to erect Fulling-Mills. Obsolete.*
 4. *An act for ascertaining the Price of coasting Cockets, and requiring Officers Attendance. Repeal'd.*
 Pa. 103. 5. *An act for the encouraging the erecting of a Post-Office in this Country. Expir'd.*
 6. *An act for continuing the Rangers at the Heads of the Four great Rivers. Expir'd.*
 7. *An act for raising a Public Levy. Expir'd.*
 Sir Edmund Andros, Governor.
 Thomas Milner, Speaker.

- Pa. 104. Anno 5 W. & M. (Oct. 10, 1693.) Af. 3. Sef. 1.
 1. *AN act appointing Rangers on the Frontiers of the Four great Rivers. Expir'd.*
 2. *An act for the Encouragement of the Manufacture of Linen Cloth. Expir'd.*
 3. *An act ascertaining the Place for erecting the College of William and Mary, in Virginia. Private; had its Effect.*
 4. *An act laying an Imposition upon Skins and Furrs, for the better Support of the College of William and Mary, in Virginia. Repeal'd.*
 Pa. 105. 5. *An act for raising a Public Levy. Expir'd.*
 Sir Edmund Andros, Governor.
 Thomas Milner, Speaker.

- Pa. 106. Anno 7 W. & M. (April 18, 1695.) Af. 4. Sef. 1.
 1. *AN act appointing Rangers at the Heads of the Four great Rivers. Expir'd.*
 2. *An act for enlarging the Bounds of Princess Anne County. Private.*
 3. *An act for lessening the Poll, and laying an Imposition upon Liquors. Expir'd.*
 4. *An act empowering the Governor, with the Advice of the Council, to apply Five Hundred Pounds Sterling, out of the Imposition upon Liquors, raised this Assembly, to the Assistance and Preservation of New-York, if found necessary. Expir'd.*
 Pa. 107. 5. *An act for reviving the 7th act of Assembly, made at James-City, the 16th Day of April, 1691; and for ascertaining the Size of Tobacco Hog sheads. Exp.*
 6. *An act for raising a Public Levy. Expir'd.*
 Sir Edmund Andros, Governor.
 Philip Ludwell, Speaker.

A T A B L E of the Public Acts.

xxvii

Anno 8 W. & M. (April 24, 1696.) Af. 5. Sef. 1. Pa. 108.

1. *A*N act for Punishment of Fornication, and several other Sins and Offences. Repeal'd.
2. *An* act for altering the Court Days in Accomack County. Private.
3. *An* act for giving a Reward to Indians, for killing Wolves. Repeal'd.
4. *An* act for repealing the Prohibition of planting Tobacco, after the last Day of June, annually.
5. *An* act for ascertaining Damages upon Appeals. Rep. Pa. 109.
6. *An* act for imposing Penalties upon the Non-appearance of Evidences. Repeal'd.
7. *An* act declaring how long Judgments and Specialties shall be pleadable. Repeal'd.
8. *An* act for ascertaining the Place where the Court for York County shall be kept. Private.
9. *An* act for ascertaining the Gauge of Pork, Tar, and other Barrels. Repeal'd.
10. *An* act for Prevention of clandestine Marriages. Repeal'd.
11. *An* act for the better Support and Maintenance of the Clergy. Repeal'd.
12. *An* act for regulating and ascertaining County Pa. 110. Clerks Fees. Expir'd.
13. *An* act appointing Rangers at the Heads of the Four great Rivers. Expir'd.
14. *An* act for raising a Public Levy. Expir'd.

Sir Edmund Andros, Governor.
Robert Carter, Speaker.

Anno 9 W. & M. (Oct. 21, 1697.) Af. 5. Sef. 2.

1. *An* act for raising a Public Levy. Expir'd.

Anno 10 Wil. 3. (Sept. 28, 1698.) Af. 6. Sef. 1.

Continued to the 6th of October, 1698; but did no Business, and was then dissolved. *William Randolph*, Speaker.

Anno 11 Wil. 3. (April 27, 1699.) Af. 7. Sef. 1. Pa. 111.

1. *A*N act for the more effectual suppressing of Blasphemy, Swearing, Cursing, Drunkenness, and Sabbath-breaking. Repeal'd.
2. *An* act for Prevention of undue Election of Burgeses. Repeal'd.
3. *An* act to prevent the Discontinuance of Courts and Process. Repeal'd.

4. *An act for regulating Juries.* Repeal'd.
- Pa. 112. 5. *An act for the restraining and punishing of Pirates and Privateers.* Useless, or null.
6. *An act for the Punishment of Slaves, for the first and second Offence of Hog-stealing.* Repeal'd.
7. *An act prohibiting the unseasonable killing of Deer.* Repeal'd.
8. *An act appointing a Committee for the Revisal of the whole Body of the Laws of this Colony.* Expir'd.
9. *An act prohibiting the Exportation of Indian Corn.* Expir'd.
10. *An act for confirming Titles to Town-Lands.* Enacted almost verbatim, 4 Ann. cap. 44. (1705.)
- Pa. 113. 11. *An act for lessening the Levy by the Poll, and laying an Imposition upon Liquors, for and towards building the Capital, and other Public Uses.* Expir'd.
12. *An act for laying an Imposition upon Servants and Slaves, imported into this Country, towards building the Capitol.* Expir'd.
13. *An act ascertaining Collectors and Naval-Officers Fees.* Repeal'd.
14. *An act directing the building the Capitol, and and the City of Williamsburg.* Recited 4 Ann. cap. 43. (1705.)
15. *An act appointing a Treasurer.* Expir'd.
 Francis Nicholson, Governor.
 Robert Carter, Speaker.

- Pa. 114. Anno 12 Wil. 3. (Dec. 5. 1700.) Af. 8. Sef. 1.
1. *AN act for continuing the act prohibiting the Exportation of Indian Corn.* Expir'd.
2. *An act making the French Refugees, inhabiting at the Manakin Town, and the Parts adjacent, a distinct Parish by themselves; and exempting them from the Paiment of the Public and County Levies, for Seven Years.* Private.
3. *An act for the more effectual and speedy carrying on the Revisal of the Laws.* Expir'd.
4. *An act for raising a Public Levy.* Expir'd.
 Francis Nicholson, Governor.
 Peter Beverley, Speaker.

- Pa. 115. Anno 13 W. 3. (August 6 1701.) Af. 8. Sef. 2.
1. *AN Act for the better strengthening the Frontiers, and discovering the Approaches of an Enemy.* Useless.

2. *An*

2. *An act for the more effectual apprehending an Out-lying Negro, who hath committed divers Robberies and Offences. Expir'd.*
3. *An act giving Power to the Sheriffs, attending the General Court, to summon Jurors and Evidences within the City of Williamsburg, and Half a Mile round the same. Repeal'd.* Pa. 116.
4. *An act for dividing King & Queen County. Private.*
5. *An act continuing the Acts laying Impositions upon Liquors, Servants, and Slaves, until the 25th of December 1703. Expir'd.*
6. *An act giving further Directions in building the Capitol, and for building a Public Prison. Expir'd.*
Francis Nicholson, Governor.
Peter Beverley, Speaker.

Anno 14 W. 3. (May 30, 1702.) Af. 8. Sef. 3. Pa. 117.

1. *AN act for the continuing, meeting, and sitting of General Assemblies, in case of the Death or Demise of His Majesty, His Heirs, and Successors. Re-Enacted 4 Ann. cap. 28. (1705.)*
2. *An act to prevent Masters of Ships or Vessels running away, after Embargoes are laid. Repeal'd.*
Francis Nicholson, Governor.
Peter Beverley, Speaker.

Anno 1 Ann. (August 14, 1702.) Af. 1. Sef. 1. Pa. 119.

1. *AN act for the Regulation and Settlement of Ferries, and Dispatch of Public Expresses; and for the speedy Transporting of Forces over Rivers and Creeks, in Time of Danger. Repeal'd.*
2. *An act for Dividing Charles City County. Private.*
3. *An act prohibiting Seamen being harboured or entertained on Shore. Provided for, 9 Ann. c. 13, (1710.)*
4. *An act for Raising a Public Levy. Expir'd.* Pa. 120.
Francis Nicholson, Governor.
Peter Beverley, Speaker.

Anno 2 Ann. (March 19, 1702,) Af. 2, Sef. 1, continued 'til April 10, and nothing done.

Anno 3 Ann. (April 20, 1704,) Af. 2. Sef. 2.

1. *AN act to repeal the Second act of Assembly, made in the Year 1664, intituled, an act for the Frontiers to be seated with Four able Hands.* Pa. 121.
2. *An act to prevent Indians hunting and ranging on patented Lands. Repeal'd.*
3. *An*

A T A B L E of the Public Acts.

- Pa. 122. 3. *An act for Taring and ascertaining the Size of Tobacco Hog sheads.* Repeal'd.
4. *An act reviving the Impositions on Liquors, Servants and Slaves, for one Year, and no longer.* Expir'd.
5. *An act appointing a Treasurer.* Expir'd.
6. *An act for removing Criminals from the Goals of the Counties where they shall be apprehended, to the Public Goal at Williamsburg.* Repeal'd.
7. *An act allowing a greater Number of Ordinaries.* Re.
8. *An act reviving the act for the better Improving the Breed of Horses; & for restraining unruly Horses.* Re.
9. *An act for Raising a Public Levy.* Expir'd.
- Pa. 123. 10. 11. Private Acts.

Francis Nicholson, Governor.
Peter Beverley, Speaker.

- Pa. 124. Anno 4 Ann. (April 18, 1705,) Af. 2. Sef. 3.
1. *AN act permitting the exporting and disposing of Tobacco in old Casks.* Expir'd.
2. *An act for Raising a Public Levy.* Expir'd.
3. *An act empowering the Court of King and Queen County to purchase Land for a Town.*

Francis Nicholson, Governor.
Peter Beverley, Speaker.

- Pa. 125. Anno 4 Ann. (Oct. 23, 1705,) Af. 3. Sef. 1.)
1. *AN act for laying an Imposition upon Liquors and Slaves.* Expir'd.
2. *An act for regulating the Elections of Burgeses; for settling their Privileges; and for ascertaining their Allowances.* Burgeses.

- Pa. 133. 3. *An act prescribing the Method of appointing Sherifs; and for limiting the Time of their Continuance in Office; and directing their Duty therein.* Sherifs.

- Pa. 135. 4. *An act declaring who shall not bear Office in this Country.* Repeal'd.

5. *An act against importing Tobacco from Carolina, & other Parts, without the Capes of Virginia.* Tob.

- Pa. 136. 6. *An act for ascertaining the Gauge of Barrels for Bork, Beef, Tar, and Pitch.* Barrels for Pork, &c.

- Pa. 139. 7. *An act concerning Tithables.* Tithables.

- Pa. 141. 8. *An act concerning Publick Claims.* Public Claims.

- Pa. 143. 9. *An act concerning the Collection of the Public and County Levies; & for the better Payment of the same, to the respective Creditors therein concerned.* Levies.

10. *An*

10. *An act directing the building and maintaining of* Pa. 145.
Prisons, Pillories, Whipping-Posts, Stocks, and Duck-
ing-Stools, in every County; and for settling the Rules
of Prisons. Prisons, &c.
11. *An act for the speedy and easy Prosecution of Slaves* Pa. 146.
committing Capital Crimes. Repeal'd.
12. *An act to prevent the clandestine Transportation or*
carrying of Persons in Debt, Servants and Slaves,
out of this Colony. Transportation of Debtors.
13. *An act concerning Waifs and Strays.* Waifs, &c. Pa. 149.
14. *An act against stealing Hogs.* Hog-stealing. Pa. 150.
15. *An act for Prevention of Trespasses by unruly Hor-* Pa. 152.
ses, Cattle, Hogs, Sheep, and Goats; and by taking
away Boats and Canoes. Trespasses.
16. *An act giving a Reward for killing of Wolves.* Rep. Pa. 154.
17. *An act for Encouragement of the Land Fron-*
tiers. Frontiers.
18. *An act directing the building an House for the Go-* Pa. 155.
vernor of this Colony and Dominion. Effected.
19. *An act for establishing the General Court; and for*
regulating and settling the Proceedings, therein.
General Court.
20. *An act for enlarging the Power of the Sheriff at-* Pa. 165.
tending the General Court, and of the Constables of
Bruton Parish. General Court.
21. *An act concerning the granting, seating, and* Pa. 166.
planting, and for settling the Titles and Bounds
of Lands; and for preventing of unlauxful shooting
and ranging thereupon. Repeal'd.
22. *An act directing the Duty of Surveyors of Land;*
and ascertaining their Fees. Surveyors.
23. *An act declaring the Negro, Mulatto, and Indian* Pa. 169.
Slaves, within this Domionin, to be real Estate. Slaves.
24. *An act for settling the Militia.* Repeal'd. Pa. 170.
25. *An act to prevent Indians hunting upon patented*
Lands. Indians.
26. *An act for raising a Publick Revenue for the* Pa. 171.
better Support of the Government of this Her Majesty's
Colony and Dominion of Virginia; and for ascertain-
ing the Salary of the Council. Repeal'd.
27. *An act for preventing Frauds in the Customs, and*
in Clearing of Ships; for ascertaining Collectors and
Naval Officers Fees; and to prohibit and prevent
the casting of Ballast, and dead Bodies, into Rivers
and Creeks. Customs.
28. *An act for the continuing of General Assemblies, in* Pa. 176.
case

A T A B L E of the Public Acts.

case of the Death or Demise of Her Majesty, Her Heirs or Successors; and for making valid all Acts of the Governor and Council, and all Judgments and Proceedings at Law, which shall happen between the Death of any King or Queen of England, and the Notification thereof in this Country. Judicial Proceed.

- Pa. 177. 29. An act for laying an Imposition upon Skins and Furs; for the better Support of the College of William and Mary, in Virginia. Duties.
- Pa. 178. 30. An act for the Effectual Suppression of Vice; and Restraint and Punishment of blasphemous, wicked and dissolute Persons. Religion.
- Pa. 181. 31. An act for Security and Defence of the Country in Times of Danger. Repeal'd.
32. An act concerning Juries. Juries.
- Pa. 184. 33. An act for the Distribution of Intestate's Estates, declaring Widows Rights to their deceas'd Husbands Estates; and for securing Orphans Estates. Intest. Estat.
- Pa. 187. 34. An Act declaring how long Judgments, Bonds, Obligations, and Accounts, shall be in Force, for the Assignment of Bonds and Obligations, directing what Proof shall be sufficient in such Cases; and ascertaining the Damage upon protested Bills of Exchange. Rep.
- Pa. 188. 35. An act for Limitation of Actions, and avoiding of Suits. Limitations of Actions.
- Pa. 189. 36. An act for Attornies prosecuting Suits, on Behalf Persons out of the Country, to give Security for the Payment of such Costs and Damages as shall be awarded against them. Repeal'd.
37. An act directing the Manner of levying Executions; and for Relief of poor Prisoners for Debt. Rep.
- Pa. 190. 38. An act for removing Criminals from the Goals of the Counties wherethey shall be apprehended, to the Public Goal at Williamsburg. Criminals.
- Pa. 191. 39. An act for making, clearing, and repairing the Highways, and for clearing the Rivers and Creeks. Highways.
- Pa. 194. 40. An act for regulating Ordinaries, and Restraint of Tippling Houses, Ordinaries.
- Pa. 197. 41. An act for Encouragement of building Water-Mills and Millers. Mills.
- Pa. 199. 42. An act for establishing Ports and Towns. Repeal'd.
- Pa. 200. 43. An act continuing the act directing the building the Capitol, and the City of Williamsburg, with Additions. Private. Williamsburg.
44. An

A T A B L E of the Public Acts.

xxxiii

44. *An act for confirming Titles to Town Lands.* Pa. 208.
Town Lands.
45. *An act for Naturalization.* Naturalization. Pa. 209.
46. *An act for improving the Staple of Tobacco; and for regulating the Size and Tare of Tobacco Hogsheads.* Pa. 210.
Tobacco.
47. *An act to prevent Ships sailing in Contempt of Embargoes.* Pa. 214.
Embargoes.
48. *An act concerning Marriages.* Marriages.
49. *An act concerning Servants and Slaves.* Servants, &c. Pa. 218.
50. *An act to prevent killing Deer at unseasonable Times.* Pa. 228.
Repeal'd.
51. *An act to explain part of an act of this present Session of Assembly, intituled, An Act directing the Manner of levying Executions; and for the Relief of poor Prisoners for Debt.* Pa. 229.
Repeal'd.
52. *An act for Prevention of Misunderstandings between the tributary Indians, and other Her Majesty's Subjects of this Colony and Dominion; and for a free and open Trade with all Indians whatsoever.* Indians.
53. *An act for the Regulation and Settlement of Ferries, and for Dispatch of Public Expresses.* Pa. 232.
Ferries.
54. *An act appointing a Treasurer.* Pa. 238.
Expir'd.
Edward Nott, Governor.
Benjamin Harrison, Speaker.

Anno 9 Ann. (Oct. 25, 1710.) Af. 4. Sef. 1. Pa. 239.

1. *AN act for laying a Duty on Liquors and Slaves.* Pa. 239.
Expir'd.
2. *An act for finishing a House for the Governor of this Colony and Dominion.* Took Effect.
3. *An act prohibiting Seamen being harboured or entertained on Shore.* Sailors.
4. *An act to explain Part of an act of Assembly, intituled, an act for establishing the General Court; & for regulating & settling the Proceedings therein.* Pa. 241.
Gen. Co.
5. *An act for raising a Public Revenue, for the better Support of the Government of Her Majesty's Colony and Dominion of Virginia.* Pa. 242.
Revenue.
6. *An act appointing a Treasurer.* Pa. 245.
Expir'd.
7. *An act for reviving and continuing an act, for Security and Defence of the Country, in Times of Danger.* Exp.
8. *An act for Prevention of Abuses in Tobacco, shipped on Freight.* Pa. 246.
Tobacco.
9. *An act for Supply of certain Defects found in an act prescribing the Method for appointing Sheriffs.* Pa. 247.
Exp.

10. *An act for settling and ascertaining the current Rates of foreign Coins, in this Dominion. Repeal'd.*
- Pa. 248. 11. *An act for establishing County Courts; and for regulating & settling the Proceedings therein. County Co.*
- Pa. 256. 12. *An act to prevent the destroying and murdering of Bastard Children. Murder.*
- Pa. 257. 13. *An act for settling the Titles and Bounds of Lands; and for preventing unlawful Shooting and Ranging thereupon. Lands.*
- Pa. 268. 14. *An act for the further Restraint of Tippling-houses, and other disorderly Places. Ordinaries.*
- Pa. 269. 15. *An act for Raising a Public Levy. Expir'd.*
16. 17. Private Acts.

Alexander Spotswood, Governor.
Peter Beverley, Speaker.

- Pa. 270. Anno 10 Ann. (Nov. 7, 1711.) Af. 4. Sef. 2.
1. *AN act for appointing Rangers. Expir'd.*
2. *AN act directing the Manner of granting Probats of Wills, & Administration of Intest. Estates. Probats.*
- Pa. 279. 3. *An act for building a Prison for Debtors, to be committed by the General Court. Prisons.*
- Pa. 281. 4. 5. Private Acts.

Alexander Spotswood, Governor.
Peter Beverley, Speaker.

- Pa. 282. Anno 11 Ann. (Oct. 22, 1712.) Af. 5. Sef. 1.
1. *AN act for continuing an act, intituled, an act for Security and Defence of the Country, in Times of Danger. Expir'd.*
2. *An act to continue an act, intituled, an act for appointing Rangers, and for increasing their Pay. Exp.*
3. *An act for continuing an act, intituled, an act for laying a Duty on Liquors, and Slaves, &c. Expir'd.*
- Pa. 283. 4. *An act to prevent Land lapsing from Infants, for not seating and planting, or not paying Quit-Rents, until Three Years after they come of Age. Lands.*
- Pa. 284. 5. *An act for appointing Rolling-houses, and Public Landings, and ascertaining the Prices of Storage. Rolling houses.*
- Pa. 286. 6. *An act for raising a Public Levy. Expir'd.*

Alexander Spotswood, Governor.
Peter Beverley, Speaker.

- Pa. 287. Anno 12 Ann. (Nov. 5, 1713.) Af. 5. Sef. 2.
1. *AN act for preventing Frauds in Tobacco Payments, and for the better improving the Staple of Tobacco. Repeal'd.*

2. *An act for continuin an act for appointing Rangers; and an act to continue an act for appointing Rangers, and for encreasing their Pay; and also to empower the Lieutenant Governor to disband the Rangers, and to apply the Pay appropriated for them to any other Use, which he shall think fit, for the better Securi-ty of the Frontiers. Expir'd.*
3. *An act declaring what shall be accounted a sufficient Pa. 288.*
*seating, planting, cultivating, and improving of Lands already granted, or hereafter to be taken up and pa-
tented. Lands.*
4. *An act for registering Births, Christenings, and Bu- Pa. 291.*
rials. Births and Burials.
5. *An act to contirue an act, intituled, an act for Sup- Pa. 293.*
ply of certain Defects found in an act prescribing the Method for appointing Sherifs. Expir'd.
6. *An act for continuing an act, intituled, an act for the Regulation and Settlement of Ferries, and for Dispatch of Public Expresses. Ferries.*
7. *An act for reviving and continuing an act, intituled, Pa. 294.*
*an act prohibiting Seamen being harboured or enter-
tained on Shore. Sailors.*
8. *An act to restrain the keeping too great a Number of Horses and Mares, and for amending the Breed. Horses and Mares.*
9. Private. Pa. 296.
10. *An act for raising a Public Levy. Expir'd.*
11. 12. Private Acts.

Alexander Spotswood, Governor.
Peter Beverley, Speaker.

- Anno 1 Geo. (Nov. 16, 1714.) Af. 1. Sef. 1. Pa. 297.
1. *AN act for regulating and settling the current Rates of Gold Coin, and of British Silver Coin, in this Dominion. Money. Pa. 297.*
 2. *An act to oblige Owners and Occupiers of Mills, to Pa. 299.*
which Public Roads shall lead, to make the Dams of such Mills Ten Foot wide at the Top. Mills, &c.
 3. *An act for erecting a Magazine. Magazine. Pa. 300.*
 4. *An act for altering the Day for Princess Anne Coun- Pa. 301.*
ty Court, and the Day for Essex County Court. Private.
 5. *An act for continuing an act, intituled, an act for Prevention of Abuses in Tobacco, shipped on Freight. Tobacco.*

Alexander Spotswood, Governor.
Peter Beverley, Speaker.

Pa. 303.

Anno 2 Geo. (Aug. 3, 1715.) Af. 2. Sef. 1.

1. *A*N act for the Encouragement of such Persons as have gone and shall go voluntarily into the Service of South-Carolina. Expir'd.
2. An act for raising a Public Levy. Expir'd.
3. Private.

Alexander Spotswood, Governor.
Daniel McCarty, Speaker.

Pa. 304.

Anno 4 Geo. (April 23, 1718.) Af. 3. Sef. 1.

1. *A*N act for settling the Fees of the Secretary, County-court Clerks, Sheriffs, Coroners, and Constables; and for ascertaining the Fees of Attornies, to be allowed in a Bill of Costs. Expir'd.
2. 3. 4. Private Acts.

Alexander Spotswood, Governor.
Daniel McCarty, Speaker.

Pa. 305.

Anno 4 Geo. (Nov. 11, 1718.) Af. 3. Sef. 2.

1. *A*N act for empowering the Treasurer of this Colony, to put out at Interest, a Sum not exceeding Ten Thousand Pounds, now in his Hands. Expir'd.
2. An act for raising a Public Levy. Expir'd.

Alexander Spotswood, Governor.
Daniel McCarty, Speaker.

Pa. 306.

Anno 7 Geo. (Nov. 2, 1720.) Af. 4. Sef. 1.

1. *A*N act for erecting the Counties of Spottsylvania, and Brunswick; and granting certain Exemptions and Benefits to the Inhabitants thereof. Effected.
2. An act for the better Discovery and securing of His Majesty's Quit-Rents. Suspended.
3. An act explaining and further declaring what shall be accounted a sufficient Seating and Improvement, to save Lands from lapsing; and for the better Recovery of Lands lapsed, from Persons living out of the Country. Lands.

Pa. 308. 4. An act for Supply of certain Defects, found in an act prescribing the Method for appointing Sheriffs. Sheriffs.

Pa. 311. 5. An act for the more effectual preventing the tending of Seconds. Tobacco.

Pa. 312. 6. An act giving a Reward for killing of Wolves; and repealing all other acts relating thereto. Wolves.

Pa. 313. 7. An act for explaining and amending an act, intituled, an act for appointing Rolling houses, and Public Landings, & ascertaining the Prices of Storage. Rolling-hou.

8. An

8. *An act for settling new Ferries on Pamunkey, Mat- Pa. 314.
tapony, and Potowmack Rivers; and for ascertaining
the Rates of Ferriage for Wheel Carriages. Ferries.*
9. *An act for Raising a Public Levy. Expir'd. Pa. 316.*
10. 11. 12. 13. 14. 15. 16. 17. 18. Private Acts.

Alexander Spottwood, Governor.

John Holloway, Speaker.

- Anno 8 Geo. (May 9, 1722,) Af. 4. Sef. 2. Pa. 318.
1. *AN act for encouraging the making of Tar and
Hemp. Tar and Hemp.*
2. *An act to oblige Ships, coming from Places infected Pa. 320.
with the Plague, to perform their Quarentine. Quar.*
3. *An act for enforcing and rendering more effectual the Pa. 323.
Treaties already made, or hereafter to be made, with
Foreign Indians. Indians.*
4. *An act for the further improving the Staple of To- Pa. 325.
bacco. Expir'd.*
5. *An act for amending the act concerning Servants and
Slaves; and for the better Government of Convicts
imported; and for the further preventing the clandest-
tine Transportation of Persons out of this Colony. Rep.*
6. *An act for punishing mutinous and disobedient Sea-
men; and for the more speedy Determination of Con-
troversies arising between Masters of Ships, and their
Crews. Sailors.*
7. *An act for the more effectual clearing of Rivers and Pa. 328.
Creeks. Rivers and Creeks.*
8. *An act for settling new Ferries over York, Rappa- Pa. 329.
hanock, and Pamunkey Rivers. Ferries.*
9. *An act for making the Public Prisons in William- Pa. 330.
burg more convenient; and for building a House for
the Keeper thereof. Prisons.*
10. *An act for amending the Breed of Horses. Expir'd. Pa. 331.*
11. *An act for Raising a Public Levy. Expir'd. Pa. 332.*
12. 13. 14. 15. 16. Private Acts.

Alexander Spotswood, Governor.

John Holloway, Speaker.

- Anno 9 Geo. (May 9, 1723.) Af. 5. Sef. 1. Pa. 333:
1. *AN act for laying a Duty on Liquors & Slaves. Rep.*
2. *An act for the settling and better Regulation of
the Militia. Militia.*
3. *An act for reviving the act, intituled, an act for Se- Pa. 338.
curity & Defence of the Country in Times of Danger. Ex.*
4. *An act directing the Trial of Slaves, committing Ca- Pa. 339.
pital*

pital Crimes ; and for the more effectual punishing Conspiracies and Insurrections of them ; and for the better Government of Negros, Mulattos, and Indians, bond or free. Slaves.

Pa. 344. 5. *An act for the better and more effectual improving the Staple of Tobacco. Expir'd.*

6. *An act for the better securing the Paiment of Levies ; and Restraint of vagrant and idle People ; and for the more effectual Discovery and Prosecution of Persons having Bastard Children. Expir'd.*

Pa. 345. 7. *An act for the Transportation of Dick, and other Negro Slaves. Private.*

8. *An act appointing a Treasurer ; and empowering him to receive the Monies in the Hands of the late Treasurer. Treasurer.*

Pa. 347. 9. *An act for Raising a Public Levy. Expir'd.*

10. *An act for enlarging the Jurisdiction of the Court of Hustings, in the City of Williamsburg, within the Limits thereof. Williamsburg.*

Pa. 349. 11. 12. 13. 14. 15. *Private Acts.*

Hugh Drysdale, Governor.

John Holloway, Speaker.

Pa. 350. Anno 12 Geo. (May 12, 1726.) Af. 5. Sel. 2.

1. *AN Act for laying a Duty on Liquors. Duties.*

Pa. 355. 2. *An act appointing a Treasurer. Treasurer.*

Pa. 356. 3. *An act to repeal the act, intituled, an act directing the Manner of levying Executions ; and for Relief of poor Prisoners for Debt ; and one other act to explain the said Act ; and to declare the Law concerning Executions ; and for Relief of poor Prisoners. Executions.*

Pa. 368. 4. *An act for amending the act concerning Servants and Slaves ; and for the further preventing the clandestine Transportation of Persons out of this Colony. Servants.*

Pa. 371. 5. *An act for reviving and continuing Two acts of Assembly therein mentioned. Repeal'd.*

6. *An act for the more effectual preventing the bringing Tobacco from North-Carolina, and the Bounds in Controversy. Tobacco.*

Pa. 372. 7. *An act to prevent the setting of Hedges into Rivers and Creeks, and the falling of Trees therein. Rivers.*

Pa. 374. 8. *An act for settling new Ferries over Rappahanock, Northanna, and Appamatock Rivers. Ferries.*

Pa. 375. 9. *An act for Raising a Public Levy. Expir'd.*

10. 11. 12. 13. 14. *Private Acts.*

Hugh Drysdale, Governor.

John Holloway, Speaker.

Anno

A T A B L E of the Public Acts.

xxxix

Anno 1 Geo. 2. (Feb. 1, 1727.) Af. 1. Sef. 1. Pa. 376.

1. *AN act for laying a Duty on Slaves imported; and for appointing a Treasurer. Suspended.*
2. *An act for erecting a Light-house on Cape Henry. Susp.*
3. *An act for preventing Delays in Courts of Justice; for expediting and better settling the Proceedings in the General Court; and for the more speedy and easy Recovery of small Debts; and for repealing an act for obliging Attornies prosecuting Suits in Behalf of Persons out of the Country, to give Security for paying all Costs and Damages; and declaring in what Manner such Security shall be hereafter given. Judicial Proceed.* Pa. 377.
4. *An act for the better and more effectual improving the Staple of Tobacco. Repeal'd.* Pa. 387.
5. *An act for making more effectual Provision against Invasions and Insurrections. Invasions and Insurrect.*
6. *An act for the better Support of the Clergy of this Dominion: And for the more regular collecting and payng the Parish Levies. Ministers.* Pa. 392.
7. *An act for the better securing the Paiment of Levies, and Restraint of vagrant and idle People; and for the more effectual Discovery and Prosecution of Persons having Bastard Children; and for making better Provision for the Poor. Levies.* Pa. 394.
8. *An act for preventing of excessive and deceitful Gaming. Gaming.* Pa. 398.
9. *An act for the better regulating and ascertaining the current Rates of Silver Coin, within this Dominion; and for preventing the evil Practice of cutting Foreign Gold into Pieces. Money.* Pa. 401.
10. *An act for prohibiting the Exportation of Grain, in Time of Scarcity. Grain.* Pa. 403.
11. *An act to explain and amend the act, For declaring the Negro, Mulatto and Indian Slaves, within this Dominion, to be real Estate; and Part of one other act, intituled, an act for the Distribution of Intestates Estates, declaring Widows Rights to their deceased Husbands Estates; and for securing Orphans Estates. Slaves.* Pa. 404.
12. *An act for encouraging Adventurers in Iron-works. Iron-works.* Pa. 408.
13. *An act for the better and more effectual putting the penal Laws in Execution. Penal Laws.* Pa. 410.
14. *An act for erecting a Town in each of the Counties of Spotsylvania and King George. Private.* Pa. 411.

15. *An*

A T A B L E of the Public Acts.

- Pa. 415. 15. *An act for ascertaining the Fees of certain Officers therein mentioned. Expir'd.*
- Pa. 416. 16. *An act for raising a Public Levy. Expir'd.*
17. 18. 19. 20. 21. 22. *Private Acts.*
- William Gooch, Governor.
John Holloway, Speaker.
- Pa. 417. Anno 3 & 4 Geo. 2. (May 21, 1730.) At. 1. Sef. 2.
1. *AN act for repealing the act for the better and more effectual improving the Staple of Tobacco: And for the better Execution of the Laws now in Force against tending Seconds: And for the further Prevention thereof.* Tobacco.
- Pa. 419. 2. *An act for enforcing the act, intituled, an act for the effectual Suppression of Vice; and Restraint and Punishment of blasphemous, wicked and dissolute Persons: And for preventing incestuous Marriages and Copulations.* Religion.
- Pa. 421. 3. *An act for amending the Staple of Tobacco: And for preventing Frauds in His Majesty's Customs.* Tobacco.
- Pa. 437. 4. *An act to prevent the malicious burning Tobacco-Houses, and other Houses and Places: For taking away Clergy from certain Offenders: And for punishing Accessories to Felonies, and Receivers of stolen Goods.* House-burning.
- Pa. 438. 5. *An act ascertaining the Damage upon protested Bills of Exchange: And for the better Recovery of Debts due on promissory Notes: And for the Assignment of Bonds, Obligations and Notes.* Bills of Exchange.
- Pa. 440. 6. *An act for continuing Part of an act, for laying a Duty on Liquors; with some Alterations and Amendments. Repeal'd.*
- Pa. 442. 7. *An act for the better regulating the Paiment of the Burgeses Wages.* Burgeses.
- Pa. 444. 8. *An act to prevent Losses to Executors and Administrators, by the Sale of Negros, Goods and Chattels, taken in Execution, for amending the Law in relation to Executors and Administrators, &c.* Exec. & Admin.
- Pa. 448. 9. *An act to enable the Sale of Goods distrained for Rent, and to secure such Goods to the Person distraining the same, for the better Security of Rents; and to prevent Frauds committed by Tenants.* Rents.
- Pa. 451. 10. *An act to disable any Sheriff, or other Person, to sit as a Member of the House of Burgeses, who shall accept any Office of Profit in this Colony, after his Election: And exempting the Members of the House of Burgeses from being made Sheriffs.* Burgeses.

11. *An act for encouraging the making of Linen Cloth.* Pa. 452.
Linen Cloth.
12. *An act for restraining the taking of excessive Usury.* Pa. 453.
Usury.
13. *An act to exempt the Inhabitants of any County, Pa. 454.*
wherein any Iron-Works are or shall be erected, from
clearing or repairing the Roads leading to and from
the same; for making Satisfaction to the Owners of
any Lands lying contiguous to such Roads, for the
Timber which shall be taken for making or repair-
ing Bridges in such Roads; and for giving fur-
ther Encouragements to Adventurers in Iron-Works.
Iron-Works.
14. *An act to revive the act for Supply of certain De-* Pa. 457.
fects found in an act prescribing the Method for ap-
pointing Sheriffs. Sheriffs.
15. *An act for raising a Public Levy.* Expir'd.
16. *An act for empowering Justices of Peace and Con-*
stables to weigh Hemp, in order to intitle the Maker
to receive the Bounty; and for paying to William
Byrd, Esq; Five Pounds Four Shillings, due to him
for the Bounty upon Hemp. Tar and Hemp.
17. *An act for erecting a new County on the Heads of* Pa. 458.
Stafford and King George Counties. Private.
18. *An act for making a new Parish on the Head of* Pa. 459.
Overwharton Parish, in Stafford County. Private.
19. *An act for dividing the Parish of St. George, in* Pa. 460.
the County of Spotsylvania. Private.
20. 21. 22. 23. 24. 25. 26. 27. 28. 29. Private Acts.
William Gooch, Governor.
John Holloway, Speaker.

Anno 5 & 6 Geo. 2. (May 18, 1732.) Af. 1. Ses. 3. Pa. 463.

1. *A* *N act to enable the Masters of Ships to employ*
their own Sloops, Boats, and Sailors, in car-
rying Tobacco from the Public Warehouses on board
their Ships. Tobacco.
2. *An act for laying a Duty on Liquors.* Duties. Pa. 464.
3. *An act for laying a Duty upon Slaves, to be paid by* Pa. 469.
the Buyers. Duties.
4. *An act to continue the act for making more effec-* Pa. 472.
tual Provision against Invasions and Insurrections.
Invasions and Insurrections.
5. *An act to continue and make perpetual an act there-*
in mentioned; and for empowering any Judge of the
General Court to take Bail, when the said Court is

A T A B L E of the Public Acts.

not sitting; and to oblige Defendants to pay Costs, upon over ruling a Plea in Abatement; and for allowing any Person to plead several Matters.

Judicial Proceedings.

- Pa. 473. 6. *An act to make the stealing of Slaves Felony, without Benefit of Clergy.* Slaves.
- Pa. 474. 7. *An act for settling some Doubts and Differences of Opinion, in Relation to the Benefit of Clergy; for allowing the same to Women; and taking away of Reading; and to disable certain Persons therein mentioned, to be Witnesses.* Clergy.
- Pa. 475. 8. *An act prescribing the Method for proving Book-Debts.* Book-Debts.
- Pa. 476. 9. *An act to amend and explain the act for amending the Staple of Tobacco; and for preventing Frauds in His Majesty's Customs.* Tobacco.
- Pa. 484. 10. *An act to revive and continue certain Parts of an act for ascertaining the Fees of certain Officers; and for better settling the Fees of County-court Clerks, and Sheriffs, and of Attornies, in Causes depending in the County-courts, to be allowed in the Bill of Costs; and for settling the Fee for summoning Witnesses, in Controversies depending before the Governor and Council, and ascertaining the Allowances to such Witnesses. Expir'd.*
- Pa. 492. 11. *An act for lessening the Reward for killing young Wolves; and for preventing Frauds in obtaining Certificates for Wolves Heads.* Wolves.
- Pa. 493. 12. *An act for adding part of the Counties of Surry, and Isle of Wight, unto the County of Brunswick; and Part of the Parishes of Lawn's Creek, Southwark, and Warwickqueak, in the said Counties of Surry and Isle of Wight, unto the Parish of St. Andrew, in the said County of Brunswick. Private.*
- Pa. 494. 13. *An act to prevent frivolous and vexatious Suits; and to regulate Attornies practising in the County-courts.* Attornies.
- Pa. 498. 14. *An act for settling new Ferries over James, Appamatox, Nottoway, Rappahanock, and Potowmack Rivers.* Ferries.
- Pa. 499. 15. *An act for altering the Place for holding Courts in the County of Spotsylvania. Private.*
- Pa. 500. 16. *An act to enable and oblige the Parish of St. George, in Spotsylvania County, to refund and pay back to the Parish of St. Mark, in the County aforesaid, the Tobacco therein mentioned. Private.*

17. *An act for altering the Days for holding the Courts Pa. 501.*
of Richmond and Westmorland Counties. Private.
18. *An act for dividing every of the Counties of Rich-
 mond, King George, and Prince William, into Two
 distinct Parishes. Private.*
19. *An act for raising a Public Levy. Expir'd. Pa. 503.*
20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33.
 34. 35. Private Acts.

William Gooch, Governor.
 John Holloway; Speaker.

Anno 8 Geo. 2. (Aug. 22, 1734.) Af. 1. Sef. 4. App. 1.

1. *A*N act for continuing and further amending an
 act, intituled, an act for amending the Staple
 of Tobacco, and for preventing Frauds in His Ma-
 jesty's Customs. Tobacco.
2. *An act for continuing an act, intituled, an act for App. 9.*
 laying a Duty on Liquors. Duties.
3. *An act for continuing an act, intituled, an act for App. 10.*
 laying a Duty upon Slaves, to be paid by the Buyers.
 Duties.
4. *An act for further continuing the act, for making
 more effectual Provision against Invasions and Insur-
 rections. Invasions and Inturrections.*
5. *An act to make void certain Contracts for the paying App. 10.*
 excessive Usury, for the further Discouragement of the
 unrighteous Practice of taking more than the law-
 ful Interest, and reducing the Rate of Interest. Usury.
6. *An act for amending the act, intituled, an act for App. 12.*
 settling the Titles and Bounds of Lands; and for pre-
 venting unlawful shooting and ranging thereupon.
 Lands.
7. *An act for better regulating the Trial of Criminals, App. 15.*
 for Capital Offences. Criminals.
8. *An act for allowing Indians to be Witnesses in Cri- App. 17.*
 minal Offences, committed by Indians. Criminals.
9. *An act for more effectually obliging Persons to buy &
 sell by Weights and Measures, according to the En-
 glish Standard. Weights and Measures.*
10. *An act for better regulating and collecting certain App. 18.*
 Officers Fees, and other Purposes therein mentioned.
 Expir'd.
11. *An act for the better Direction of Officers, in the App. 28.*
 Sale of Goods, or other Things, taken in Execution,
 or distrained for Rent. Executions.

- App. 29. 12. *An act for lessening the Penalties for killing Deer at unseasonable Times, and for the better recovery thereof.* Deer.
- App. 30. 13. *An act to amend the Laws now in Force, for the more speedy and easy Recovery of small Debts.* Judicial Proceedings.
- App. 31. 14. *An act for better regulating Ordinary Keepers, and Retailers of strong Liquors, and to prevent their giving Credit; and to disable them to maintain any Action, or recover any Money, Tobacco, or other Commodity, for such Liquors, sold upon Credit.* Ordinaries.
- App. 32. 15. *An act for the better Support and Encouragement of the College of William and Mary, in Virginia.* Duties.
- App. 35. 16. *An act for appointing a Treasurer, and for other Purposes therein mentioned.* Treasurer.
- App. 37. 17. *An act for raising a Public Levy, and for other Purposes therein mentioned.* Law Books.
- App. 38. 18. *An act for appointing several new Ferries, and lessening the former Rates settled for the Ferriage of Wheel Carriages, and altering several Court Days.* Ferries.
- App. 39. 19. *An act declaring the Glebe of Elizabeth River Parish, lately purchased, to be a sufficient Glebe; directing the Sale of several Glebes; and for other Purposes therein mentioned.* Private.
- App. 40. 20. *An act for dividing the Parish of Henrico, and for uniting and dividing the Parishes of Newport, and Warwickqueak, in the County of Isle of Wight; and for other Purposes therein mentioned.* Private.
- App. 41. 21. *An act for destroying Crows and Squirrels in the Northern Neck, and on the Eastern Shore.* Levies.
- App. 42. 22. *An act to oblige the Justices of James-City, and York, to levy Tobacco for certain Officers of the City of Williamsburg.* Private.
23. *An act for the Relief of such Persons as have suffered or may suffer, by the Loss of the Records of Nansemond County, lately consumed by Fire.* Private.
- App. 43. 24. *An act for dividing Spotsylvania County.* Private.
- App. 44. 25. *An act for the better enabling the Executors of the last Will and Testament of Charles Burges, Gent. deceased, to pay his Debts and Legacies.* Lands.
- App. 45. 26. *An act to vest part of the Estate of Robert Carter, Esq; deceased, devised to Robert Carter, the younger, who died in his Lifetime, in Robert Carter, the Son and*

and Heir of the said Robert Carter, the younger; and to make Provision for Priscilla Carter, the Widow of the said Robert Carter, the younger, and Elizabeth Carter, his Daughter. Private.

27. An act to vest certain intailed Lands, with the App. 46.
Appurtenances therein mentioned, in Charles Tomkies, Gent. in Fee Simple; and for settling other Lands of greater Value, to the same Uses. Private.
28. An act to enable the Nottoway Indians to sell cer- App. 47.
tain Lands therein mentioned; and for discharging the Indian Interpreters. Private.
29. An act for docking the Intail of certain Lands, in App. 48.
the Counties of Gloucester, and Elizabeth-City, and vesting the same in Henry Willis, in Fee Simple; and for settling other Lands and Tenements, and several Slaves, to the same Uses. Private.
30. An act to prevent the building Wooden Chimnies in App. 49.
the Towns of York and Gloucester, and for pulling down such as are already built therein; and to restrain Hogs and Goats from going at large in the said Town of York. Private.
31. An act for dividing the County of Prince George, App. 50.
and Parish of Bristol, and adding Part of the County of Brunswick to the new erected County. Private.

William Gooch, Governor.

Sir John Randolph, Speaker.

Anno 10 Geo. 2. (Aug. 5. 1736.) Af. 2. Sef. 1.

1. **A**N act for laying a Duty upon Liquors imported App. II.
by Land, and better securing the Duty upon Pag. 1.
Slaves, and for other Purposes therein mentioned.
Treasurer. Duties.
2. An act to declare who shall have a Right to vote in Pag. 5.
the Election of Burgesses, to serve in the General Assembly, for Counties; and for preventing fraudulent Conveyances, in order to multiply Votes at such Elections.
Burgesses.
3. An act for further amending the act, for amending Pag. 7.
the Staple of Tobacco, and for preventing Frauds in His Majesty's Customs. Tobacco.
4. An act for obliging Apprentices to serve the Time Pag. 10.
they shall be bound for by Indentures, notwithstanding their Infancy. Servants.
5. An act for altering the Laws now in Force, for the Pag. 10.
Sale of Goods taken in Execution, or distrained for Rent; and for the better preventing the fraudulent Practices of Tenants. Rents.

6. An

- Pag. 12. 6. *An act for preventing Persons contracting small Debts, to remove their Effects out of the County where they reside; and for allowing a Lawyer's Fee, in some Cases, upon Recoveries had upon Petitions.*
Debtors.
- Pag. 13. 7. *An act for the greater Ease and Encouragement of Sheriffs.*
Sheriffs.
- Pag. 16. 8. *An act for the better regulating and collecting certain Officers Fees, and other Purposes therein mentioned.*
Fees.
- Pag. 25. 9. *An act to prevent cutting up Tobacco Suckers.* Tobacco.
- Pag. 26. 10. *An act for regulating the Fees and Accounts of the Practicers in Physick.*
Physicians.
- Pag. 28. 11. *An act for the better Regulation of the Office of Surveyors of Land, and directing them in their Duty.*
Surveyors.
- Pag. 29. 12. *An act for raising a Public Levy, and for other Purposes therein mentioned.* Private.
- Pag. 30. 13. *An act for confirming and better securing the Titles to Lands in the Northern Neck, held under the Right Honourable Thomas, Lord Fairfax, Baron of Cameron, in that Part of Great-Britain called Scotland.*
Lands.
- Pag. 35. 14. *An act for lessening the Allowance to Witnesses in the County Courts, and altering the Method for providing for the Passage of the Eastern Shore Burges-
ses, to and from the General Assembly.* Witnesses.
- Pag. 36. 15. *An act for paying the Wages of the Burges-
ses in Money, for this present Session of Assembly.* Private.
- Pag. 37. 16. *An act for Relief of divers of the Inhabitants of the Parishes of Raleigh and Dale.* Private.
- Pag. 38. 17. *An act for Relief of certain Persons who are Suffer-
ers in the Loss of the Records of the County of Nanse-
mond.* Private.
- Pag. 40. 18. *An act for building a Bridge over Nottoway Ri-
ver.* Private.
- Pag. 40. 19. *An act for appointing certain new Public Ferries,
settling the Rates of several County Ferries, and al-
tering several Court Days.* Ferries.
- Pag. 42. 20. *An act for making Reparation for the Tobacco late-
ly burnt in Gray's Creek Warehouse.* Private.
- Pag. 42. 21. *An act to dock the Intail of certain Lands, where-
of Lewis Burwell, Esq; is seised; and for settling
other Lands and Slaves of greater Value, to the same
Uses.* Private.

22. *An act to impower the Vestries of the Parish of St. John, in the County of King William, and the Parish of Warwick, in the County of Warwick, to sell several Parcels of Glebe Land therein mentioned, and to purchase better and more convenient Glebes, in Lieu thereof.* Private. Pag. 44.
23. *An act for selling certain Lands, with a Water-Mill, and Slaves, of the Estate of Joseph Allen, deceased, for the Paiment of his Debts.* Private. Pag. 45.
24. *An act to confirm the Charter of the Borough of Norfolk; and for enlarging the Jurisdiction of the Court of Hustings, in the City of Williamsburg.* Williamsburg. Pag. 47.
25. *An act to prevent the retailing of strong Liquors in the Town of York, in small Quantities.* Private. Pag. 48.

William Gooch, Governor.
Sir John Randolph, Speaker.



An Exact

ABRIDGMENT

Of all the

Acts of Assembly,

In Force and Use.

ACTS of ASSEMBLY.

Section I.
34 Car. 2.
cap. 8.

IF any Person shall maliciously and advisedly publish and declare, by Words or Writing, that the Acts of Assembly of *Virginia*, not repealed, expired, vacated, or annulled by the

Anno 1692
Chap. 8.
Pag. 86.

King, are not binding within this Dominion, to all His Majesty's Subjects therein, such Person shall be adjudged factious and seditious, and a Contemner of the Laws; and being thereof lawfully convicted, shall, for the first Offence, be fined One Thousand Pounds of Tobacco, and suffer One Month's Imprisonment without Bail; and for the Second Offence, Two Thousand Pounds of Tobacco, and Two Months Imprisonment; and for every such Offence after, double the Penalties and Forfeitures aforesaid; One Half of the said Forfeitures to the King, his Heirs and Successors, and the other to the Informer: To be recovered by Action of Debt, in any Court in this Country. Which Penalties are to be imposed, besides all other Punishments, that may be legally inflicted on such Offender.

A T T O R N I E S.

Ann. 1661 § I. 13 *Car.* 2. *cap.* 49. **E**VERY Sheriff, Commissioner, Under-Sheriff, or Clerk of any Court, pleading as an Attorney in any Person's Behalf, in the Court wherein he officiates, shall, for every such Default, be fined One Thousand Pounds of Tobacco, to the Use of the County.

II. If any poor Person, not able to plead his own Cause, shall request the Court to assign him One of the Commissioners to plead for him, the Court may grant it, and the Commissioner plead accordingly; but such Commissioner shall not give Judgment in such Cause.

III. Any Commissioner, Sheriff, Under-Sheriff, or Clerk, acting as General Attorney for any Person absent out of the Country or County, and negotiating his Affairs, (a) and so liable to be sued for his Emploier, may plead and prosecute in any Cause any way concerning his said Emploier.

Ann. 1732 IV. 5 & 6 *Geo.* 2. *cap.* 13. Where several are Defendants in any Action of Trespass, Assault, false Imprisonment, or *Ejectione Firmæ*, every Person acquitted on Trial, by Verdict, shall recover his Costs of Suit, as if all the Defendants had been acquitted, unless the Court * shall be satisfied, there was a reasonable Cause to make such Person Defendant, and shall order it otherwise.

V. In all Actions of Trespass, Assault and Battery, where the Court shall not be satisfied, and enter on Record, that the Battery was sufficiently proved, or that the Freehold, Title, or Interest of the Land, in the Declaration, was or might have been in Question, or that the Trespass was wilful or malicious, and in all other Personal Actions, if the Jury find under Forty Shillings, the Plaintiff shall not recover more Costs than Damages; if more Costs are awarded, the Judgment shall be void, and shall be amended, on a Motion at any Time, by the Court, and the Party injured shall be redressed as to such Costs, if levied.

VI. If on any Action in a County Court, for any Debt on a Promise, or by simple Contract, it appears on Trial, that there is not Twenty Shillings due to the Plaintiff, he

(a) It would seem by this, that an Attorney may be sued for the Principal.

shall be Nonfuit, and pay the Defendant his Costs; *Ann. 1732*
 unless he makes appear to the Court, and the Court enters *Cap. 13.*
 on Record, that the Defendant refused or unjustly delaied *Pag. 495.*
 settling Accounts with the Plaintiff: And in such Case,
 the Plaintiff shall recover with Costs.

VII. In all Cases, where Judgment is given for the Defendant, he shall recover his Costs, and have Execution for the same.

VIII. Executors and Administrators shall not be liable to pay Costs by this Act, where they are not at present so by the Laws in Being.

IX. In all Actions where the Plaintiff or Defendant dies after an interlocutory and before a final Judgment, the Action shall not abate, if it might have been originally prosecuted or maintained by the Executors or Administrators of such Plaintiff, or against the Executors or Administrators of such Defendant: And in such Cases, the Plaintiff (or if dead, his Executors or Administrators) may have a *Scire facias* against the Defendant, (or if dead, against his Executors or Administrators,) to shew Cause why Damages in such Action should not be assessed, and recovered by him or them; and if such Defendant, his Executors or Administrators appear, and don't shew Matter sufficient to arrest the final Judgment, or fail to appear, being returned warned, or Return being made on Two Writs of *Scire facias*, that he or they had nothing whereby to be summoned, or could not be found in the County, in such Cases, a Writ of Enquiry of Damages shall be awarded; which being executed, Judgment final shall be given for the Plaintiff, his Executors or Administrators, against such Defendant, his Executors or Administrators: And if there be Two or more Plaintiffs or Defendants, and One or more of them die, if the Cause of Action survives, the Writ or Action shall proceed. And in all Actions real, personal, and mixed, the Death of either Party between Verdict and Judgment, shall not abate the Suit, but Judgment shall be enter'd,
 * as if both Parties were living.

* *P. 496.*

X. County Court Clerks may and shall, on Request, issue Executions, returnable on any Court Day within Ninety Days next after the Teste of such Executions.

XI. In all Actions on Bonds, &c. for Non-performance of Covenants, the Plaintiff may assign as many Breaches as he thinks fit, and the Jury shall assess Damages for such of them as the Plaintiff, on Trial, proves to have been broken; and the like Judgment shall be enter'd

Ann. 1732 *ter'd* on such Verdict as is usual in such Actions. And
Cap. 13. if Judgment is given for the Plaintiff on a Demurrer, or
Pag. 496. by Confession, or *Nihil dicit*, the Plaintiff on Record
 may suggest as many Breaches of the Covenants and Agree-
 ments as he thinks fit; on which a Jury shall be summon-
 ed to enquire thereof, and assess the Damages the Plain-
 tiff sustained thereby, and Execution shall issue for so
 much, and such Judgment shall remain as a Security to
 the Plaintiff, his Executors and Administrators, for any
 other Breaches which may after happen; and he or they
 may have a *Scire facias* against the Defendant, and as-
 sign any other Breach; and thereupon Damage shall be
 assessed, and Execution issue as aforesaid, *toties quoties*.

XII. In all Actions on Bonds for the Paiment of Mo-
 ney, where the Plaintiff recovers, Judgment shall be en-
 tred for the Penalty, to be discharged by Paiment of the
 Principal and Interest, and the Costs of Suit; and Exe-
 cution shall issue accordingly; or if before Judgment, the
 Defendant brings into Court the Principal and Interest, he
 shall be discharged, and Judgment shall be entred only
 for the Costs.

XIII. If the Defendant in any Action of Debt on Bill
 or Bond, or *Scire facias* on a Judgment, hath, before Ac-
 tion brought, paid the Principal and Interest due by the
 Condition, he may plead Paiment in Bar.

XIV. Where the Debt demanded, does not exceed Five
 Pounds Current Money, or One Thousand Pounds of To-
 bacco, the Plaintiff shall proceed by Petition, according
 to 1 *Geo.* 2. *cap.* 3. *sec.* 27. and not otherwise; and if
 any Plaintiff demands a greater Sum, on Purpose to evade
 this Act, he shall be nonsuited, and pay Costs.

XV. The Number of unskilful Attornies, practising
 at the County Courts, being a great Grievance to the
 Country, in Respect to their Neglect and Mismanage-
 ment of their Clients Causes, and other foul Practices,
 no Person, after the Tenth of *November*, 1732, shall
 practice as an Attorney in any County, or other inferior
 Court, without a Licence first obtained from the Gover-
 nor and * Council, on Pain of forfeiting Forty Shillings
 for every Cause prosecuted or defended in such Court;
 one Moiety to the King, &c. for defraying the contingent
 Charges of this Government; the other to the Informer:
 To be recovered by Action of Debt, in any Court of Re-
 cord.

XVI. The Person desiring a Licence, shall present his
 Petition to the Governor and Council, setting forth his
 Qualifi-

Qualifications, which shall be referred to such Person or Persons learned in the Law, as they shall think proper; who shall have full Power and Authority to examine the Petitioner, and to report his or their Opinion of the Fitness or Unfitness of such Petitioner for the Office of an Attorney; on which Report, the Governor and Council shall licence or reject such Petitioner: And every Person obtaining such Licence, before his Admission to practice in any County, or other inferior Court, shall, before every such Court, take the Oaths by Law appointed to be taken, instead of the Oaths of Allegiance and Supremacy, and shall take and subscribe the Oath of Abjuration, and subscribe the Test; and shall also take the Oath of an Attorney, viz.

Ann. 1732
Cap. 13.
Pag. 497.

XVII. *YOU shall do no Falshood, nor consent to any to be done in the Court; and if you know of any to be done, you shall give Notice thereof to the Justices of the Court, that it may be reformed: You shall delay no Man for Lucre or Malice, nor take any unreasonable Fees: You shall not wittingly or willingly sue, or procure to be sued, any false Suit, nor give Aid nor Consent to the same, upon Pain of being disabled to practice as an Attorney for ever. And furthermore, you shall use your self in the Office of an Attorney, within the Court, according to your Learning and Discretion.*
So help you God.

XVIII. If any Attorney shall act contrary to his Duty herein directed, the Governor and Council, upon Complaint, and Proof thereof, made before them, may supersede such Attorney's Licence, and suspend him for a Time, or disable him for ever, as they shall think just. The Clerk of the Council, for every Licence, shall receive Twenty Shillings, and no more.

XIX. If any Attorney in any County, or other inferior Court, is wittingly or willingly guilty of any Neglect in any Cause, the Court, on Proof thereof made, may order such Attorney to pay all the Costs occasioned by such Neglect.

XX. This Act not to extend to any Attorney now practising in the General Court, or to any Counsellor or Barrister at Law.

B A P T I S M.

Ann. 1662 Sect. I. ALL and every Person and Persons,
 Cap. 3. 14 Car. 2. **A** that, in Contempt of the Divine Sa-
 Pag. 25. cap. 3. crament of Baptism, shall refuse, when
 he or they may carry his or their Child, or Children,
 to a lawful Minister in that County where he or they
 dwell, to have them baptized, shall be amerced Two
 Thousand Pounds of Tobacco ; Half to the Parish,
 Half to the Informer.

BARRELS for Pork, Beef, Tar, and Pitch.

Ann. 1705 § I. 4 Anne, * **A**FTER 29 Sept. 1705, Every Barrel
 Cap. 6. cap. 6. wherein Pork or Beef, Tar or Pitch,
 Pag. 136. shall be packed or filled for Exportation, or Sale here,
 * Pa. 137 shall contain at least Thirty One Gallons and an Half
 of *Winchester* Measure ; and the Contents of every Barrel
 of Pork or Beef, at Exportation or Sale, shall be at least
 Two Hundred and Twenty Pounds of neat Pork or Beef :
 And every Barrel of Tar or Pitch shall be filled with
 clean Tar, or true made Pitch, without any Mixture.

II. Every Cooper, or other Person, setting up Cask,
 who shall make or set up any Barrel for Pork, Beef, Tar,
 or Pitch, of a less Gauge, shall, for every such Barrel,
 forfeit Five Pounds Current Money.

III. Whoever shall pack Pork or Beef, for Sale, in any
 Barrel of a less Gauge, or shall in any Barrel pack less
 Pork or Beef than is sufficient to make it hold out, at
 Exportation or Sale, the Quantity hereby directed, shall,
 for every such Barrel, forfeit Five Pounds Current Money.

IV. Every Person who shall put or fill Tar or Pitch,
 for Sale, in any Barrel of a less Gauge than aforesaid, or
 mingle it with any Trash or Mixture of any other Matter
 than clean Tar or true made Pitch, shall forfeit and lose
 every such Barrel of Tar or Pitch, besides Ten Shillings
 for every such Barrel of Tar, and Twenty Shillings for
 every such Barrel of Pitch.

* Pa. 138 V. Every Person who shall export, * or put on board
 any Ship or other Vessel, for Exportation, or shall barter
 away, bargain for, sell or expose, or offer to Sale, in
 any Way, to any Person in this Colony, any Pork or Beef,
 Pitch

Pitch or Tar, contrary to the Directions of this Act, shall, *Ann. 1705*
for every Barrel of Pork or Beef in less Barrels, or of *Cap. 6.*
less neat Contents than aforesaid, forfeit Five Pounds Cur- *Pag. 138*
rent Money: And for every Barrel of Pitch or Tar, in
less Barrels, or filled up or mingled with any Trash, or
other Matter than clean Tar or true made Pitch, forfeit
all such Barrels of Tar or Pitch, besides Ten Shillings
for every such Barrel of Tar, and Twenty Shillings for
every such Barrel of Pitch.

* VI. Every Person who shall import by Land or Wa- ** Pa. 139:*
ter, any Pork, Beef, Tar, or Pitch, in Barrels of a less
Gauge than aforesaid, or Barrels of Pork or Beef of less
neat Contents, or Barrels of Tar or Pitch, filled up or
mingled with any Trash, or Mixture of any other Mat-
ter than clean Tar, or true made Pitch, and shall here
barter away, bargain, sell, expose, or offer to Sale, in
any Way, such Barrels of Pork, Beef, Tar and Pitch,
or any of them, shall pay the several Forfeitures aforesaid,
for every such Barrel bartered away, bargained,
sold, or offered to Sale, contrary to this Act.

VII. The Moiety of all the Forfeitures aforesaid, to
be to the Queen, &c. towards Support of this Govern-
ment; the other to the Informer: To be recovered with
Costs, by Action of Debt, Bill, Complaint, or Informa-
tion, in any Court of Record; no Effoin, Protection,
or Wager of Law to be allow'd.

VIII. All Acts, &c. relating to any Thing within
the Purview of this Act, repealed.

BILLS OF EXCHANGE.

§ I. 3 & 4 Geo. 2. *Ann. 1730*
cap. 5. **W**H E R E any Bill of Exchange *Cap. 5.*
shall be drawn for any Sum there- *Pag. 438.*
in expressed to be received, and shall be protested for
Non-acceptance, or Non-payment, the same shall carry
Interest from the Date, after the Rate of Ten *per Cent.*
per Annum, until the Money drawn for, shall be fully paid.

* II. No Person shall pay more than Eighteen Months ** Pa. 439,*
Interest, from the Date to the Time it shall be presented
protected to the Drawer or Endorser.

III. All Bills of Exchange drawn, or to be drawn,
which are or shall be protested, shall, after the Death
of the Drawer or Indorser, be accounted of equal Dig-
nity with a Judgment: And the Executors, or Admi-
nistrators, of every such Drawer, or Indorser, shall suffer

Ann. 1730 Judgment to pass against them, for all Debts due
Cap. 5. on protested Bills of Exchange, before any Bond, Bill,
Pa. 439. or other Debt, of equal or inferior Dignity ; or shall be
 liable to pay the same out of their own proper Goods.

IV. For all Bills drawn before the making of this Act, and protested, there shall be paid after the Rate of Fifteen *per Cent.* for the Sum expressed in such Bill, and the Costs and Charges of Protest, and no more.

V. Any Person having Right to demand a Sum of Money due on a protested Bill of Exchange, may maintain an Action of Debt for Principal, Interest, and Charges of Protest, against the Drawer and Indorsers, jointly, or either of them separately ; and Judgment shall be given for such Principal and Charges and Interest, after the Rate of Ten *per Cent. per Annum*, to the Time of such Judgment ; and for Interest on the Money recovered, after the Rate of Six *per Cent. per Annum*, until the same shall be fully paid.

VI. Any Person to whom any Note or Writing sign'd, for the Payment of any Money or Tobacco, is payable, may maintain an Action of Debt thereon, and recover Judgment for what shall appear due, with Costs ; if such Action is brought within the Time appointed by the Act of Limitations. 4 *Annæ.* See *Limitation, &c. Sect. 1.*

* *Pa.* 440 VII. In any Suit for any Debt, due by Judgment, Bond, Bill, or otherwise ; the Defendant, on Trial, shall be allowed all the Discount he can make out, by Proof, against such Debt.

VIII. Any Person may assign to any other, any Bond, Bill, or Promisory Note ; and the Assignee, his Executors, and Administrators, may bring Suit thereon in his or their own Names, as the first Obligee, his Executors, and Administrators, might or could lawfully do : But, in such Suit, the Plaintiff shall allow all Discounts which the Defendant can prove, as well against the first Obligee, as the Plaintiff himself.

BIRTHS, CHRISTENING S, and BURIAL S.

Ann. 1661 § 1. 13 *Car.* 2. * THERE shall be in every Parish,
Cap. 14. *cap.* 14. according to the Largeness thereof,
Pa. 5. Three or more Places, set apart and fenced in, for Places
 * *Pa.* 6. of Public Burial.

II. Before

II. Before any Corps is buried, there shall be at least *Ann. 1661*
Three or Four of the Neighbours called, who, in Case *Cap. 14.*
of Suspicion of Murder, may view the same : And, if no *Pag. 6.*
Suspicion, may, according to the decent Custom of all
Christendom, accompany it to the Grave.

III. No Persons whether Free or Servants, shall be buried in any other Place than those so appointed ; unless such who by their own Appointment in their Life-time, have signify'd their Desire of being interred in any particular Place elsewhere.

IV. 12 *Annæ, cap. 4.* After the 20th of *April, 1711, Ann. 1713*
The Parent of every Child born free, and the Master, *Cap. 4.*
Owner, or Overseer, of every Child born a Slave, shall, *Pag. 291.*
within Twenty Days after the Birth of such Child, give Notice thereof in Writing, with the Names of the Parents, or of the Master or Owner, distinguishing whether such Child is Male, or Female, to the Minister of the Parish where such Child is born ; or if no Minister, to the Clerk of the said Parish, or of the Church or Chapel nearest the Place of such Birth : Or such Parent, Master, Owner, or Overseer, neglecting or refusing so to do, shall forfeit Two Hundred Pounds of Tobacco for every Offence.

V. The Master, or Mistress of every Family or House, where any free Person shall die, and the Master, Owner, or Overseer, of every Slave dying, shall, within Twenty Days after such Death, give Notice thereof in Writing, with the Christian, and Sur-name, of such free Person, and the Name of such Slave, and his or her Master or Owner, to the Minister of the Parish where such Death happens ; or, if no Minister, to the Clerk of the said Parish, or of the Church or Chapel nearest the Place of such Death ; or such Master and Mistress of such House or Family, and Master, Owner † and Overseer, neglect- † *Pa. 292.*
ing or refusing so to do, shall forfeit Two Hundred Pounds of Tobacco for every Offence.

VI. The Minister of every Parish shall keep a fair and exact Register of all the Births and Deaths within his Parish, of which Notice is given him ; as also of all Persons baptized by him. And the Clerk of every Parish Church or Chapel, where there is no Minister, shall keep such a Register of the Births and Deaths, of which Notice is given him ; in which Register shall be expressed, the Names of the Persons born free, and of their Parents ; the Names of the Persons baptized ; of the Masters or Owners of Slaves born, and whether they be Male or Female ;

Ann. 1713 *Cap.* 4. *Pag.* 292. Female ; and also the Names of all Persons dying, with the Names of the Masters or Owners of the Persons dying in Slavery : A fair Copy of which Register, sign'd by the Minister, or Clerk, keeping the same, shall, on the 20th of *April*, and 20th of *October*, Yearly, be returned to the Secretary's Office. For keeping and returning which Register, the Minister, or Clerk, keeping the same, shall be paid Three Pounds of Tobacco, for every Person so registred. The Fee for registering the Births and Christnings of free Persons to be paid by the Parent of the Child ; and for registering the Births and Deaths of Slaves, by the Owner of such Slaves ; and for registering the Death of free Persons, by the Person giving Notice of such Death : Which several Fees are hereby declared to be distrainable. And every Minister, or Clerk, refusing or neglecting to keep or return such Register, shall forfeit and pay Two Hundred Pounds of Tobacco for every Month he shall refuse or neglect to keep or return the same.

VII. One Moiety of all the Forfeitures by this Act inflicted, shall be to the Use of the Parish where the Offender resides at the Time of Forfeiture ; the other to him who will inform or sue for the same ; and may be recovered before a Justice of the Peace.

Pa. 293. VIII. This Act shall be read in all Parish Churches and Chapels, on some *Sunday* in *March* and *September*, yearly, immediately after Divine Service, by the Minister, Clerk, or Reader, of each Parish ; under the Penalty of Two Hundred Pounds of Tobacco, for every Omission or Neglect. And the Churchwardens of every Parish shall provide a Copy thereof, † at the Parish Charge ; or shall forfeit Five Hundred Pounds of Tobacco each : One Moiety of the said Forfeitures shall be to the Use of the Parish where they become due ; the other to him or them who will inform, or sue for the same.

IX. All Acts, &c. relating to any Thing within the Purview of this Act, repeal'd.

B O O K - D E B T S.

Ann. 1732 § I. 5 & 6 *Geo.* 2. *Cap.* 8. *Pag.* 475. *† Pa.* 476. **I**N any Action of Debt, or on the Case, where the Plaintiff declares upon an *Emisset*, or *Indebitatus Assumpsit*, for Goods, Wares, or Merchandise, by him sold and delivered, and on the Trial thereof, shall declare, upon his corporal Oath, or † solemn Affirmation, (as the Case is,) that the Matter

Matter in Dispute is a Store Account, and that he hath no Means to prove the Delivery of the Articles therein contained, or any of them, but by his Store Book, such Book may be given in Evidence at the Trial, if he makes out by his own Oath, that it contains a true Account of all the Dealings between him and the Defendant, from the Beginning, or the last Settlement between them; and that all the Articles therein charged, were *bona fide* delivered; and that he hath given the Defendant all just Credits, in such Account; and such Book and Oath shall be admitted as good Evidence, for any Articles delivered within Eighteen Months before the Action brought, but not longer: And the Store Book of a dead Person, may be given in Evidence, by his Executors or Administrators, on making Oath, that there are no Witnesses to his or their Knowledge capable of proving the Delivery of the Goods or Merchandises therein mentioned, and that he or they found the Book so stated, and don't know of any Credit to be given; which Book and Oath shall be admitted as good Evidence for any of the Articles delivered within the Time aforesaid.

II. The Defendant may contest and oppose the Plaintiff's Evidence, by other legal Evidence: And where the Defendant is an Executor or Administrator, his Testator or Intestate's Book, may be given in Evidence against the Plaintiff's Book, where he is an Executor or Administrator.

III. No Book of Accounts, although proved by Witnesses, shall hereafter be admitted in Evidence, in any Action for Goods, Wares, or Merchandises delivered, or Work done, above Three Years before the Action brought; except in the Case of a Merchant residing in *Great-Britain*, or other Parts beyond the Seas, or where the Accounts shall be stated, settled, and signed by the Parties.

IV. For Recovery of any Debt now due for Goods, Wares, and Merchandises heretofore delivered, the Plaintiff within Eighteen Months from passing this Act, shall be allowed to give his Store Book in Evidence, being proved as aforesaid; and in Case of Executors or Administrators, the like Evidence shall be admitted, as before directed, for Recovery of any Debt hereafter to be contracted.

Ann. 1705

Cap. 2.

Pag. 126.

§. I. 4 *Annæ*, **T**HE Freeholders of every County, shall ^{cap. 2.} have the Priviledge of electing Two of the most fit and able Men of their County respectively; and the Freeholders of *James City*, One Burgess, to be present, and to act and vote in the General Assembly.

II. The following Rules shall be observed in Elections, *viz.* The Writs shall be signed by the Governor or Commander in Chief for the Time being, with the Colony Seal affixed, and shall be delivered to the Secretary, at least Forty Days before the Day appointed for the Assembly to begin; who shall carefully * transmit the same to the Sheriffs of the respective Counties, within Ten Days after the Date: Every Sheriff, within Three Days after Receipt, shall cause a fair Copy thereof to be delivered to every Minister and Reader of the several Parishes in his County, with the Time and Place by him appointed for the Election endorsed thereon; which shall always be at the County Court-house, and Twenty Days at least after the Receipt of the Writ: After Receipt of such Copy and Indorsement, the Minister or Reader shall publish the same after Divine Service, in his Church or Chapel, every *Sunday* between such Receipt and the Day of Election; and after such Publication, shall return the said Copy to the Sheriff, with a Certificate of the Publication thereof, and of the Time and Place of Election. The Secretary, Sheriff, Minister or Reader respectively, failing in his Duty herein, shall forfeit, as follows; The Secretary, Forty Pounds Current Money; The Sheriff, Two Thousand Pounds of Tobacco; The Minister or Reader, One Thousand Pounds of Tobacco: Half of every the said Forfeitures to the Queen, &c. towards Support of this Government; the other Half to the Informer: To be recovered, with Costs, in any Court of Record, by Action of Debt, Bill, Plaint, or Information; no Effoin, Protection, Wager of Law, * *Pa. 127.* Privilege, or more than One Imparlance to be allowed.

III. Every Freeholder actually resident in each County, shall appear and vote at such Election, or shall * forfeit Two Hundred Pounds of Tobacco to the Informer; recoverable, as before.

IV. No Feme Sole, Feme Covert, Infant under Age, or Recusant Convict, shall have Liberty to vote at any such Election.

V. Any Person presuming to vote at any such Election, not being a Freeholder in the County or Town where he votes,

votes, shall forfeit Five Hundred Pounds of Tobacco; to be divided, applied, and recovered, as aforesaid, in the Second Section. Ann. 1705
Cap. 2.
Pag. 128.

VI. If the Question shall arise in any Suit brought, Whether any Person be a Freeholder, or not? the *Onus Probandi* shall lie on the Defendant.

VII. If any Election cannot be determined upon the View, by Consent of the Freeholders, the Sheriff, or in his Absence, the Under-Sheriff shall proceed to take the Poll, in Manner following: He shall appoint such and so many Persons as he shall think fit, being first sworn by him, for their true and impartial taking the Poll, who (in the Court-house, in Presence of the several Candidates named, or such Persons as they may, if they think fit, appoint, to see the Poll fairly taken,) shall take the Poll, in Manner following; They shall in one or more Books, by the Sheriff, or Under-Sheriff, as aforesaid, for that Purpose provided, write down the Names of the Candidates, in a several Column or Page of the Book, and the Name of every Freeholder coming to give his Vote, shall be fairly written in the several Pages or Columns respectively, under the Names of the Candidates by him voted for.

VIII. No Freeholder shall vote any more than once, or for more than Two Persons at any such Election.

IX. When every Freeholder shall have voted, (or if, upon Proclamation Three Times made at the Court-house Door, no more Freeholders will give their Votes,) the Sheriff, or Under-Sheriff, as aforesaid, shall conclude the Poll, and return him or them Burgess or Burgesses who shall have the most Votes, on Examination of the Polls; and if Two or more have an equal Number of Votes, the Sheriff, or Under-Sheriff, as aforesaid, being a Freeholder, may return which of them he thinks fit.

X. Every Freeholder, before Admission to poll, being required by any of the Candidates, or any Freeholder in their Behalf, * shall take the following Oath, to be administered by the Sheriff, or Under-Sheriff, as aforesaid: * Pa. 129.

YOU shall swear, *That you are a Freeholder of the County of _____ and that you have not been before polled at this Election.*

XI. Any Person taking the said Oath, and thereby committing wilful and corrupt Perjury; or any Person corruptly procuring or suborning any Person to take the said Oath, in order to be polled, whereby he shall commit

Ann. 1705 mit such wilful and corrupt Perjury, shall, on Conviction,
Cap. 2. for every such Offence, forfeit Ten Pounds Current Mo-
Pag. 129. ney; to be divided, applied, and recovered, as aforesaid,
 in the Second Section.

XII. Every Person having an Estate real, for his own Life, or the Life of another, or any Estate of any greater Dignity, shall be accounted a Freeholder within the Meaning of this Act.

XIII. The Sheriff, or Under-Sheriff, as aforesaid, after Election, shall make Return thereof, in Manner following: Upon the Writ shall be indorsed thus:

THE Execution of this Writ appears in a certain Schedule hereto annexed.

And in the Schedule to the Writ annexed, the Execution thereof shall be certified as followeth, *mutatis mutandis*.

BY Virtue of this Writ to me directed, in my full County, held at the Court-house for my said County, upon the Day of in the Year of the Reign of by the Grace of God, of England, Scotland, France, and Ireland, Defender of the Faith, &c. by the Assent of my said County, I have caused to be chosen [Two Burgesses] of my said County, to wit, A. B. and C. D. to act and do, as in the said Writ is directed and required.

And for the College of William and Mary, or for any Town, the Form of the Return shall be thus:

BY Virtue of this Writ to me directed, I did make lawful Publication thereof; and afterwards, to wit, upon the Day of in the Year of the Reign of by the Grace of God, of England, Scotland, France, and Ireland, Defender of the Faith, [at the said Town of] or [at the said College] by the Assent of the [Freeholders] or [President, and Masters, or Professors] thereof, I have caused to be chosen One Burgess for the said [Town] or [College,] to wit, A. B. of to act and do, as in the said Writ is directed and required.

* *Pa. 130.* XIV. * If any Candidate, or other Person, in his Behalf, desires a Copy of the Poll, the Sheriff, or Under-Sheriff, who manages the Election, shall, as soon as may be, cause a fair Copy thereof to be made, and delivered to such Candidate, or other Person, attested under his Hand.

XV. If

XV. If, upon the Death, or Incapacity of any *Ann. 1705* Member of the House of Burgesses, the Sheriff of any *Cap. 2.* County shall receive a Writ for the Election of One or *Pag. 130.* more Burgels or Burgesses, during the Session of the Assembly, he shall appoint such and so many Persons as he shall think fit, to give Notice thereof, and of the Time and Place of Election, to every particular Freeholder in the County or Town for which such Election is to be made; which Election shall be made as soon as possible, and the Person or Persons so elected, returned in Manner and Form aforesaid.

XVI. If the Sheriff, or Under-Sheriff, as aforesaid, being required, (before the Return made,) by any Candidate or Freeholder, shall refuse to take the Poll, or take it in any other Manner, or refuse to give a Copy thereof, or make any false or double Return, or make Return in other Form than before directed, he shall, in every such Case respectively, forfeit Forty Pounds *Sterling*; to be divided, applied, and recovered, as aforesaid, in the Second Section.

XVII. Every Writ of Election shall be by the Sheriff returned to the Clerk of the Secretary's Office, or other Person attending there, to receive the same, at least the Day before the Return Day therein mentioned; under the Penalty of Two Thousand Pounds of Tobacco; to be divided, applied, and recovered, as aforesaid, in the Second Section.

XVIII. Any Person, who shall, after the Teste, or issuing out of any Writ of Election, by himself, or by any other Ways or Means on his Behalf, or at his Charge, before his Election for any County, Town, or Corporation, directly or indirectly give, present, or allow to any Person or † Persons, having Vote in such Election, any † *Pa. 131* Money, Meat, Drink, Entertainment, Provision, Present, Gift, or Reward; or make any Promise, Agreement, Obligation, or Engagement for the same, to or for the Use, Advantage, Benefit, Employment, Profit, or Preferment of any such Person or Persons, County, Town, or Corporation, in order to be elected, shall be disabled and incapacitated, upon such Election, to serve in the Assembly, for such County, Town, or Corporation, to all Intents and Purposes, as if he had never been returned, or elected, a Member of the same.

XIX. If any Person, under the Age of Twenty One, or not being a Freeholder in the Place he is elected for, shall be chosen a Burgess, such Election is declared illegal and void.

XX. All

Ann. 1705 *Cap.* 2. *Page* 131. XX. All Members of the Assembly shall be, in their Persons, Servants, and Estates, real and personal, free and exempted from all Arrests, Attachments, Executions, and other Process whatsoever, (save only for Treason, Felony, or Breach of the Peace) during their Attendance upon the Assembly ; and for Ten Days before the Beginning, and Ten Days after the Conclusion of every Session. And if any Process is depending against any such Member, before his Election, the same shall be stay'd Ten Days before and after every Session : And shall then be revived without any Discontinuance, or Abatement. And if the Assembly be prorogu'd, or adjourn'd, longer than Twenty Days, any Process may be commenced against any such Member ; so as the same be stay'd, as aforesaid, Ten Days before and after every Session, or Meeting, by Prorogation, or Adjournment.

XXI. Every Burgess coming by Land, shall be paid by the County for which he serves, One Hundred and Thirty Pounds of Tobacco, and Cask, a Day, besides the necessary Charge of Ferriage. And † every Burgess that cannot come otherwise than by Water, One Hundred and Twenty Pounds of Tobacco, and Cask, a Day, over and above the following Allowance, for going and returning to and from the Assembly, viz. To every Burgess for *James City, York, Warwick, Elizabeth City, New-Kent, Gloucester, Charles City, Surrey, and Isle of Wight*, the Allowance of One Day for coming, and One for returning. For *Henrico, Nansemond, Norfolk, Princess-Anne, King William, Prince George, King and Queen, Middlesex, and Essex*, Two Days for coming, and Two for returning. For *Lancaster, and Richmond*, Three Days for coming, and Three for returning. For *Stafford, Northumberland, Westmoreland, Northampton, and Accomack*, Four Days for coming, and Four for returning.
* See Sect. 27.

XXII. Where the Burgesses come by Water, the Sheriff shall impress or otherwise provide a Boat and Two Men, to carry the Burgesses of his County, to and from the Assembly : For which Boat, Men, and their Provisions, shall be paid as aforesaid, Thirty Six Pounds of Tobacco, for every Day they are performing that Service. The Sheriff of *Accomack, and Northampton*, respectively, shall, in the same Manner, provide a Sloop and Two Men, to carry their Burgesses to and from the Assembly. For which Sloop, Men, and their Provisions, shall

shall be paid Sixty Pounds of Tobacco *per* Day, as *Ann. 1705, Cap. 2.*
afore said. See Sect. 28. *Pag. 132.*

XXIII. At the Time and Place of every Election, the Sheriff, or, in his Absence, the Under-Sheriff, at the Door of the Court-house, by Proclamation, to be Three Times made, between One and Three of the Clock in the Afternoon, shall give Public Notice of the Time appointed for a Court to be held for receiving and certifying to the next Session of Assembly, the Propositions, Grievances, and Public Claims, of all Persons in his County; which Propositions, and Grievances, shall be sign'd by the Person, or Persons, presenting the same to the Court: And the chief Magistrate then present, or the Clerk, by Direction of the Court, shall certify the same to the Assembly, and deliver them to the Burgesses for the County, to be by them presented accordingly. And such a Court shall be appointed and held in each County, before every Session of Assembly; of which, the Sheriff shall cause Public Notice to be given at every Church and Chapel in his County.

XXIV. All Acts, &c. relating to any Thing within the Purview of this Act, repeal'd.

XXV. 3 & 4 Geo. 2. cap. 7. No Burgess shall demand, take, or receive, any Salary or Wages, for his Service in the House of Burgesses. Any Day on which he fails to attend in the said House, except for such *Sundays* as happen within the Time of the Session, and for such Days as are respectively allowed each Burgess, for coming, and returning to and from, the Assembly.

*Ann. 1730
Cap. 7.
Pag. 442.*

XXVI. If any Burgess is taken sick or lame, during his Attendance on any Session, or in his Journey to such Session, so that he can't attend the Service of the House, he shall be paid for every Day of such Session, on which he was unable to attend, as if he had attended.

XXVII. When any Session of Assembly shall be hereafter held, and it appears, on Examination of the Treasurer's Accounts, that there will be at least Fifteen Hundred Pounds left in his Hands, over and above discharging all the Money-Debts due from the Public, together with the Burgesses Wages, and the Salaries of the Officers of the Assembly, then each Burgess shall be paid out of the said Public Money, Ten Shillings for each Day, in his coming to, attending at, and returning from, the said Assembly, in Lieu of all other Demands for his said Service: And thereupon the Governor, upon the Speaker's Certificate of the Time of each Member's Attendance, may
C
issue

Ann. 1730 issue his Warrant to the Treasurer, * for the Time being, *Cap.* 7 for Payment of such Burgesses Wages, with the Pay for *Pro.* 442. the Days allowed such Burgesses by Law, for travelling to * *Pa.* 443. and from the Assembly, and his Heralds. See Sect. 21.

XXVIII. Any Burgesses obliged to come by Water, shall be allowed only Nine Shillings *per* Day for his Wages: And there shall be paid, for bringing the Burgesses of any one County, coming by Water, for a Boat, and Two Men, if such be employed by them, and their necessary Provision, Three Shillings and Six Pence for each Day, such Boat and Hands shall be employed in that Service; and Six Shillings *per* Day, for a Sloop, Two Men, and their Provisions, for each of the Counties of *Accomack* and *Northampton*, for each Day, such Sloop and Hands are upon that Service, in Lieu of the Tobacco allowed by Law, for the said Purposes. See Sect. 22.

XXIX. The County Courts shall not levy for, nor the Treasurer pay unto any Burgesses, any Wages for those Days he fails to attend, as afore said, except in the Case of Sicknets or Lameness, as afore said.

XXX. The Burgesses for *Brunswick*, *Spotsylvania*, and *Prince William* Counties, shall be allowed Four Days for coming to, and Four for returning from, the Assembly; and the Burgesses for *Goochland*, *Hanover*, *Caroline*, and *King George*, Three Days for coming, and Three for returning.

Cap. 10. XXXI. 3 & 4 *Geo.* 2. *cap.* 10. No Sheriff shall be *Pa.* 451. capable to sit or vote in the Assembly; but a Writ shall issue to elect a new Member in his Stead.

XXXII. Every Burgesses, while such, shall be exempted from being made or appointed Sheriff of any County.

XXXIII. Any Burgesses accepting any Office of Profit, or holding the same in his own Name, or in the Name of any other Person in Trust for him, or for his Use and Benefit, or executing by himself or Deputy, any such Office or * Place, shall be incapable to sit or vote in the ** Pa.* 452. Assembly, but a Writ shall issue to elect a new Member in his Stead.

XXXIV. Any Person hereby disabled, and sitting and voting in any Assembly, as a Member thereof, shall forfeit Fifty Pounds: To be recovered by such Person as shall sue for the same, in any Court of Record, by Action of Debt, Bill, Plaint, or Information; no Effoin, Protection, or Wager of Law, allowed.

XXXV. Any Burgesses, hereby disabled, by Reason of his accepting an Office of Profit, may be again elected.

CHURCHES.

CHURCHES.

Sect. I. **B**E it Enacted, for the Advancement of *Ann. 1661*
 13 Car. 2. God's Glory, and the more decent Ce- *Cap. 1.*
cap. 1. lebration of his Divine Ordinances, *Pag. 2.*

There be a Church decently built, in each Parish of the Country; unless any Parish, as now settled, by reason of the Fewness or Poverty of the Inhabitants, be incapable of sustaining so great a Charge: In which Case, *It is Enacted*, That such Parishes shall be joined to the next great Parish of the County; and that a Chapel of Ease be built in such Place, at the particular Charge of that Place.

II. 13 Car. 2. *cap. 15.* The Churchwardens shall, du- *Cap. 15.*
 ring their Churchwardenship, keep the Church in Repair, *Pag. 6.*
 provide Books and decent Ornaments, *viz.* a great Bible, Two Common-Prayer Books, a Communion Cloth and Napkin, a Pulpit and Cushion, this present Year: and after, Annually, something towards Communion Plate, Pulpit Cloth, and Bell, as the Ability of the Parish will permit. And shall faithfully (a) collect the Ministers Dues, cause them to be brought to convenient Places, and honestly pay them. And of all their Disbursements and Receipts, shall give a true Account to the Vestry, when required, who may give the said Churchwardens a sufficient Discharge.

CLERGY.

§ I. 5 & 6 Geo. 2. **W**Here, by any Act of Parliament, *Ann. 1732*
cap. 7. made before the Fourth Year *Cap. 7.*
 of King James the First, the Benefit of Clergy is taken *Pag. 474.*
 away, it shall be adjudged to be taken away for the like Offence here, in respect to Principals and Accessories standing Mute, and challenging a greater Number of the Jury, than the Law allows.

II. Where a Man, convicted of any Felony, may demand the Benefit of his Clergy, a Woman convicted of the like Offence, shall, on her Prayer to have the Bene-

(a) Otherwise provided by the Act made 1 Geo. 2. *cap. 6.*
 See *Ministers.* Sect.

Ann. 1732 fit of this Act, be burnt in the Hand, by the Jailor, in
Cap. 7. open Court, and be after dealt with, as a Man in the like
Pag. 474. Case, might be. And any Person entitled to the Benefit
 of Clergy, and praying to have the Benefit of this Act,
 shall not be required to read, but shall be punished as a
 Clerk Convict; which shall be as effectual, as if he had
 read as a Clerk; any Law or Statute, notwithstanding.

III. Any Negro, Mulatto, or Indian, convicted of any
 Offence within the Benefit of Clergy, shall be burnt in
 the Hand in open Court, by the Jailor, and suffer such
 other corporal Punishment as the Court shall inflict; ex-
 * *Pa.* 475. cept on a Conviction of Manslaughter, * or for the felo-
 nious breaking and entring any House in the Night Time,
 or for breaking and entring in the Day Time any House,
 and taking from thence any Goods or Chattels, to the
 Value of Five Shillings *Sterling*; or where he or she had
 once the Benefit of this Act: In all which Cases, he or
 she shall suffer Death.

IV. No Negro, Mulatto, or Indian, Slave or Free, shall
 be admitted as a Witness in any Court in any Cause whatso-
 ever, except on the Trial of a Slave for a Capital Offence,
 according to the Directions of the Act of Assembly, made
 9 *Geo.* 1. *cap.* 4. See *Slaves.* Sect. 12, 13, 14.

C O U N T Y C O U R T S.

Ann. 1710 § I. 9 *Ann.* IN every County shall be held a Monthly
Cap. 11. *cap.* 11. Court, according to the antient Custom;
Pag. 248. which Courts shall be called County Courts, and shall
 be held in the Places already assigned, or others to be
 lawfully appointed for that Purpose, and shall consist of
 Eight or more Justices, commissioned by the Governor,
 or Commander in Chief, by Commission under the Colo-
 ny Seal, and not otherwise; any Four of which (*Quo-*
rum unus) may hear and determine all Causes depending
 in the said Courts respectively.

II. No Person commissioned, shall execute the Office
 of a Justice of the Peace, before he shall have taken (a)
 the Oaths to the Government, and made and subscribed
 the Test, under the Penalty of Three Hundred Pounds
Sterling; One Moiety thereof to the Queen, &c. the
 other to the Informer: To be recovered by Action of Debt,
 in any Court of Record; no Effoin, Protection, Privi-

(a) See 1 *Anna*, *cap.* 22. 13 *W.* 3. Sect. 1. *cap.* 6. 4
Anna, *cap.* 8. 1 *Geo.* 1, *cap.* 13.

lege, Wager of Law, or more than One Imparlance to *Ann. 1710*
be allowed. *Cap. 11.*

III. If the said Oaths, Declaration, or any of them, *Pag. 248.*
be abrogated by Authority of Parliament, † or become † *Pa. 249.*
otherwise void, they shall be adjudged so here.

IV. The said County Courts shall be held on the se-
veral Days following, viz.

| | | | | | |
|-------|----------------|---|------------|---|--------------------------------|
| A. | Richmond | } | the First | } | Monday
in each
Month. |
| | Henrico | | the Second | | |
| | James City | | the Third | | |
| | York | } | the Fourth | } | |
| | Isle of Wight | | | | |
| | King and Queen | | | | |
| | Accomack | } | the First | } | Tuesday
in each
Month. |
| N. | Middlesex | | the Second | | |
| A. | Spotsylvania | | the Third | | |
| A. | Princess Anne | } | the Last | } | Wednesday
in each
Month. |
| | Prince George | | the First | | |
| N. | Goochland | | the Second | | |
| A. | Essex | } | the Third | } | |
| A. | Northampton | | | | |
| N. | Orange | | | | |
| A. | Westmoreland | } | the First | } | |
| | Charles City | | | | |
| | Lancaster | | | | |
| A. | Stafford | } | the Second | } | Thursday
in each
Month. |
| | Elizabeth City | | | | |
| N. | Northumberland | | | | |
| | Prince William | } | the Fourth | } | |
| | Surrey | | | | |
| N. | Nancemond | | | | |
| | Brunswick | } | the First | } | Friday
in each
Month. |
| | Warwick | | | | |
| A. N. | Caroline | | | | |
| | New Kent | } | the Second | } | |
| | King William | | | | |
| | Gloucester | | | | |
| A. N. | Hanover | } | the Third | } | |
| N. | King George | | | | |
| | Norfolk | | | | |
| N. | Amelia | } | the Fourth | } | |
| | | | | | |
| | | | | | |
| | | } | the First | } | Saturday
in each
Month. |
| | | | the Third | | |
| | | | | | |

N. B. The several Counties marked N. are new Coun-
ties that have been erected since the making this Law;
and in those Counties marked A. the Court Days have
been since altered by subsequent Acts. *See Ferries.*
Sect. 32. C 3 * V. The

County Courts.

Ann. 1710 * V. The several County Courts shall be held on the
Cap. 11. said Days, and not adjourned to any other Time than the
Pr. 249. next Court in Course, or *de Die in Diem*, 'til all Causes
 * *Pa. 250.* then depending, be heard, or otherwise continued.

VI. The said Courts shall have Cognizance of all Causes at Common Law, or in Chancery, within their respective Counties, except Criminal Causes, punishable with Loss of Life or Member, and Prosecutions to Outlawry, and Causes of less Value than Twenty Shillings *Sterling*, or Two Hundred Pounds of Tobacco; which Causes of less Value, shall be finally determinable before a Justice of the Peace.

If in any Suit commenced for Twenty Shillings *Sterling*, or Two Hundred Pounds of Tobacco, or more, the Ballance, upon settling Accounts, be less than either of those Sums, (a) Judgment shall be entred for such less Sum, notwithstanding.

† *Pa. 251.* † The said Justices, during their Continuance in Office, as well out of Court, as within, shall have Power to keep the Peace in their respective Counties, in which, and in determining all Causes in Court, cognizable before them, they shall proceed to do Justice to all Persons, according to Law: And every of them, at entering upon the Execution of his Office, (under the Penalty mentioned in Sect. 2, to be divided, and recovered, in the same Manner,) shall take the following Oaths, for the due Execution thereof:

The Oath of a Justice of the Peace.

YOU shall swear, *That as a Justice of the Peace in the County of A. in all Articles in the Commission to you directed, you shall do equal Right to the Poor and to the Rich, after your Cunning, Wit, and Power, and according to Law; and you shall not be of Council of any Quarrel hanging before you; and the Issues, Fines, and Amerciaments that shall happen to be made, and all Forfeitures which shall fall before you, you shall cause to be entred without any Concealment or Imbezzling; you shall not let for Gift, or other Causes, but well and truly you shall do your Office of Justice of the Peace, as well within your County Court as without; and you shall not take any Fee, Gift, or Gratuity, for any Thing to be*

(a) Altered by 5 & 6 Geo. 2. cap. 13. See Attornies, Section 6.

done by Virtue of your Office; and you shall not direct, *Ann. 1710*
 or cause to be directed, any Warrant (by you to be made) *Cap. 11.*
 to the Parties, but you shall direct them to the Sheriff *Pag. 251.*
 or Bailiffs of the said County, or other the Queen's Offi-
 cers or Ministers, or other indifferent Persons, to do Ex-
 ecution thereof. So help you God.

The Oath of a Justice of the County Court in Chancery.

YOU shall swear, That well and truly you will serve
 our Sovereign Lady the Queen, and her People, in
 the Office of a Justice of the County Court of A. in Chan-
 cery; and that you will do equal Right to all Manner
 of People, Great and Small, High and Low, Rich and
 Poor, according to Equity and good Conscience, and the
 Laws and Usages of this Colony and Dominion of Virgi-
 nia, without Favour, Affection, or Partiality.

So help you God.

VII. Any Justice, on Complaint made to him by any
 Person, that his Debtor is removing himself out of the
 County privately, or hath absconded and concealed him-
 self, so as the ordinary Process of Law cannot be served
 against him, may grant an Attachment against the Estate
 of such Debtor, or so much thereof, as will be sufficient
 to satisfy the Debt, returnable to the next County Court;
 which Estate so attached, shall be repleviable by Security
 given, and Appearance at the said next Court. * *Pro- * Pa. 252*
 vided, That before granting such Attachment, the said
 Justice shall take Bond and Security of the Person pray-
 ing the same, to pay all Damages that shall be awarded
 to the Defendant, in Case the Plaintiff, or Person desiring
 the same, shall be cast in the Suit.

VIII. All Original Process by Writ, Summons, or other
 Means, to bring any Person to answer any Action, Suit,
 Information, Bill, or Plaint, in any County Court, and all
 Executions and Attachments awarded by any of the said
 Courts, at the Common Law, and all *Subpœnas*, Attach-
 ments, and other Process in Chancery, and all other Pro-
 cess regularly and legally appertaining to any Cause de-
 pending in any of the said Courts, shall be issued by the
 Clerks of the said Courts respectively, and returned to the
 same Office whence they issued.

IX. All County Court Process shall be executed at least
 Three Days before the Return Day therein mentioned;
 and if any Process shall be delivered to any Sheriff, or
 other Officer, so late that he cannot execute the same in

Ann. 1710 such limited Time, he shall not execute it, but return
Cap. 11. thereupon the Truth of the Case: And any Original Pro-
Pag. 252. cess taken out within Three Days before a County Court,
 shall be made returnable to the next Court after the Court
 Day coming within Three Days, as aforesaid; and all
 Process issued and returnable otherwise, shall be, to all
 Intents and Purposes, null and void. But any Justice or
 Justices, by Warrant under Hand, may cause any Trai-
 tor, Felon, Pirate, Rioter, Breaker of the Peace, or other
 Criminal Offender, to be apprehended and brought before
 him, them, or some other Justice or Justices, or before
 the next County Court, tho' there shall not be Three
 Days between the Execution of such Warrant, and the
 Day of the Return thereof.

X. The issuing of Process against any Counsellor, or the
 Sheriff of the County, and the Proceedings thereon, shall
 be after the same Manner in the County Court, as is di-
 rected for the General Court; and upon the Sheriff's At-
 taching the Body of any Person failing to appear thereup-
 on, the Method of Process against the Sheriff, his Execu-
 tors, Administrators, or Estate; and Attachments for the
 Bail or Sheriff, his Executors or Administrators, against
 the Estate of the Person failing to appear, shall be had and
 pursued after the same Manner, as is directed for the Ge-
 neral Court. *See General Court. Sect. 19, 21.*

* *Pa. 253.*

* XI. The following Rules and Methods shall be ob-
 served in the said County Courts, *viz.* Every Plaintiff or
 Demandant shall file his Declaration One Day before the
 Court; or if he desires the Clerk to draw it, shall give
 him Directions, for the same in Writing, at least Two
 Days before the Court.

If the Plaintiff or Demandant fails to file his Declara-
 tion, or to appear and prosecute his Suit, he shall be Non-
 suit. On a Nonsuit awarded, there shall be paid Five
 Shillings, besides Costs of Suit.

XII. The Clerk of the Court shall carefully preserve
 the Declarations, Pleas, and all Evidences, and other Pa-
 pers relating to any Cause, and they shall be all filed to-
 gether in the Office. The Pleadings in all Cases, where
 the Title or Bounds of any Estate in Land is determined,
 shall be in Writing, and entred at large, with the Judg-
 ment thereon, in particular Books set apart for that Pur-
 pose only. All Proceedings and Judgments in Pleas of
 the Crown, for Fines and Forfeitures, and in other Mat-
 ters relating to Her Majesty's Revenue, shall be recorded
 in particular Books set apart for that Purpose.

XIII. In

XIII. In all Cases where any Fine is laid upon the Members of the Vestry of any Parish, One Action may be brought against them all jointly.

Ann. 1710

Cap. 11.

Pag. 253.

XIV. The Justices, before they adjourn the Court, shall cause the Minutes of their Proceedings to be publicly read by the Clerk, and corrected as Occasion shall require; and then the same shall be signed by the First Justice in Commission, present at such Reading and Correction; which Minutes so signed, shall be taken in a Book, and carefully preserved among the Records; and no Proceedings or Judgments of any Court shall be of Force, until they be so read and signed.

XV. The Special Bail in any Personal Action, shall be liable to satisfy the Judgment given against the Defendant, unless he shall render his Body in Execution in Discharge of his Bail; and the Court (if they see Cause) may commit the Defendant, in any Personal Action, to the Custody of the Sheriff, until he shall give Special Bail, if moved for. *Provided*, No Person shall be held to Special Bail in any Suit depending for the Breach of a Penal Law.

* XVI. In all Personal Actions, where the Declaration shall plainly set forth all Matters of Substance required therein, to proceed upon the Merits of the Cause, the Suit shall not abate for want of Form. * Pa. 254.

XVII. No Process depending in any County Court shall be discontinued, by Reason of the Justices failing to hold Court on the Day hereby appointed, but shall stand continued; and all Returns and Appearances shall be made to the next succeeding Court, as if it was the Court to which such Process was continued, or such Returns or Appearances should otherwise have been made; and all Recognisances, Bonds, and other Obligations, for Appearance, and all Returns shall be of the same Force, to enjoin the Appearance of any Person at such succeeding Court, as if expressly mentioned: And if any Justice be a Party in any Suit or Matter depending in any County Court, and there shall not be Justices enough present to make a Court, according to this Act, besides the Justice or Justices concerned, such Suit or Matter shall stand continued to the next succeeding Court, as aforesaid.

XVIII. The Clerk shall issue *Subpœnas* for Witnesses in the County, wherein the Time and Place they are to appear, the Names of the Parties to the Suit, and at whose Request they are summoned, shall be expressly mentioned;

Anno 1710 ed; (a) and for Witnesses in another County, the Clerk
C p. 11. shall issue a Summons, to be signed by some Justice of the
Pag. 254 *Quorum*, in the County where the Suit is depending, directed to the Sheriff of the County where the Witness lives, who shall execute the same: And if the Witness fails to appear, he shall be fined, as a Witness in the County, in the like Case; and upon Attendance, shall be allowed for the same, as a Witness attending the General Court. And if any such Witness, by Sickness, Age, or other Disability, be incapable to attend, any Two Justices (*Quorum unus*) of the Court where such Witness should have attended, may issue one or more Commissions for taking the Affidavit of such Witnesses, as is directed in like Case, for the General Court. See *General Court. Section 28.*

(b) Any Witness summoned, and failing to attend, shall forfeit to the Party grieved, Three Hundred and Fifty Pounds of Tobacco: To be recovered, with Costs, by Action of Debt, in any Court of Record; and be further liable to such Party's Action upon the † Case, for the Damages sustained for want of his Testimony; but no Penalty shall be incurred, if, at the Time such Witness should have appeared, sufficient Cause be shewn of his or her Incapacity to attend.

XIX. When any Defendant or Tenant in the County Court, appeals to the General Court, he or she (before Appeal granted) shall give Bond, with good Security, for prosecuting the same with Effect, and to perform the Judgment of the General Court, and pay Damages, if the County Court's Judgment shall be affirmed; which Damages, in all personal and mixt Actions, shall be Fifteen *per Cent.* upon the principal Sum, with all Costs and Damages ordered by the County Court's Judgment; and in all real Actions, shall be Two Thousand Pounds of Tobacco, over and above all Costs, Charges, and Damages, ordered by the County Court's Judgment.

XX. If any Plaintiff or Demandant in the County Court appeals, the Bail for the Appearance of the Defendant or Tenant in the County Court, shall stand bound for his or her Appearance at the General Court, to an-

(a) This Method of summoning Witnesses out of the County, is altered by 1 Geo. 2. cap. 3. See *Judicial Proceedings. Section 65.*

(b) Altered by 1 Geo. 2. cap. 3. See *Judicial Proceedings. Section 66, 67.*

swer the Appeal; unless upon Reason shewn, the County Court directs Special Bail to be given to answer the same. *Ann. 1710 Cap. 11. Pag. 255.*
 And when any Plaintiff or Demandant appeals, he shall give Bond, with Security, in the Sum of Twenty Pounds Current Money, to prosecute the same with Effect; which shall be forfeited to the Defendant or Appellee, if he does not appear and prosecute; and if upon Trial the County Court's Judgment is affirmed, the Appellant shall pay the Appellee Fifty Shillings Current Money, or Five Hundred Pounds of Tobacco besides all Costs accruing on such Appeal.

XXI. A Clause relating to Executions against Persons out of the County, repealed by 12 Geo. 1. cap. 3. which provides for such Cases. *See Executior. Sect. 29.*

XXII. All Acts, &c. relating to any Thing within the Purview of this Act, repealed.

C R I M I N A L S.

§ I. 18 Car. 2. *cap. 13.* **W** H E R E A S the Charge of prosecuting criminal Persons, hath been hitherto usually defrayed, part by the Public, but most by those Counties where the Offenders dwelt, or the Fact was committed; for Avoidance of which Charge, it is probable that many lew'd Livers, by a too favourable Censure, escape their deserved Punishment: *Be it therefore Enacted,* That where the Person committed, hath Estate sufficient to defray the Charge of his Prosecution, the Public, or County, shall not be charged, but the Whole paid out of the Delinquent's Estate; and the Public and County only then liable to satisfy. where no Estate, or not sufficient, can be found and discovered. *Ann. 1666 Cap. 13. Pag. 42.*

II. 4 Ann. cap. 38. When any Person, by Precept from any Justice shall be committed to the County Goal, for any Crime, in such Justice's Judgment, triable in the General Court only; such Justice shall issue his Warrant to the Sheriff, to summon the Justices of the County, to meet at a Time appointed in the said Warrant, not less than Five, nor above Ten Days, after the Date thereof, to hold a Court for examining the Prisoner, and all Witnesses and Circumstances relating to his or her Crime, and to consider, whether, as the Case appears to them, he or she may be tried in the County, or must be removed to be tried at the General Court; in which last Case, they shall enter their Opinion upon Record in the said Court, and remand the Prisoner to the County *Ann. 1705 Cap. 38. Pag. 190.*

Ann. 1705 County Goal : And thereupon, any Two Justices of the
Cap. 38. said Court (*Quorum unus*) by Precept under their Hands
Pag. 190. and Seals, signifying the true Cause of Commitment, directed to the Keeper of the Public Goal, at *Williamsburg*, may remove the said Prisoner to the said Public Goal, there to remain 'til thence delivered by due Course of Law. By Virtue whereof, the Sheriff of the County, as soon as he can conveniently, shall remove, and deliver, the said Prisoner, with such Precept, to the Keeper of the Public Goal, who shall receive and safely keep such Prisoner. And the said Two Justices, as aforesaid, by Warrant under their Hands and Seals, may empower the said Sheriff, as well within his own County, as in all others, through which he shall have Occasion to pass with the said Prisoner to impress such and so many Men, Horses, Sloops, or Boats, as shall be necessary for the safe conveying the said Prisoner to the said Public Goal : Which Warrant, all Persons shall obey, so as the said Sheriff proceeds therein, in Manner as is directed by Law upon such Impressing in other Cases.

III. If any Prisoner so remanded, shall be bailable, he or she shall not be removed out of the County, to
 † *Pa.* 191. the Public † Goal in less than Twenty Days after such remanding, to the End, that in that Time, Bail may be procured and given in the County : And such Prisoner, where bailable, shall be admitted to Bail, after Removal into the Public Goal.

IV. The Sheriff, at the Request of any Prisoner upon the first Commitment to the County Goal, shall summon such Witnesses to appear at the Examining Court, as such Prisoner shall desire to have examined at the said Court in his or her Behalf. And the Clerk of the General Court shall issue *Subpœnas* for such Witnesses to appear at such Prisoner's Trial in the General Court, (when remanded to Goal, as aforesaid) as he or she, or any other Person, in his or her Behalf, shall desire.

V. The Keeper of the Public Goal, by Order of the General Court, in the Time of its Sitting, may impress such and so many Persons as shall be necessary for guarding such Prisoners as are in his Custody.

VI. The Sheriff for Removal of any Prisoner, as aforesaid, shall be paid after the Rate of One Hundred Pounds of Tobacco, for every Twenty Miles Distance. And the Sheriff and Keeper of the Public Goal, for keeping and dieting such Prisoner, shall have Five Pounds of Tobacco per Day, and no more,

VII. AN

VII. All Acts, &c. relating to any Thing within the Purview of this Act, repeal'd. Ann. 1705
Cap. 38.

VIII. 8 Geo. 2. cap. 7. The Sheriffs of the Counties of York, and James City, by Writs out of the Secretary's Office to be issued by the Clerk, at least Six Days before † every Court of Oyer and Terminer, shall summon Twelve Freeholders of their Counties, respectively, to appear and attend such Court : Which Twenty Four Freeholders, or as many of them as appear, shall be of a Grand-Jury, and may enquire of, and present all Treasons, Felonies, and other Offences, cognizable by the Justices of Oyer and Terminer, committed in any County of Virginia : And the said Justices may fine every Freeholder so summoned, and failing to appear, not exceeding Four Hundred Pounds of Tobacco. Pag. 191.
Ann. 1734
Cap. 7.
Pag 15.
App.
† Pa. 16.
App.

IX. When any Person is committed to the Public Goal for Treason or Felony, triable before the Court of Oyer and Terminer, or the General Court, the Sheriff, or other Officer, bringing such Person to Goal, shall immediately give Notice to the Clerk of the General Court, of such Commitment, and the Cause thereof, and the Parish and County where the Fact, for which such Person is committed, shall be alledged to be done ; which Clerk shall issue a Writ to the Sheriff of the said County, to cause to come Twelve lawful Freeholders of his County residing as near as may be to the Place, where the Fact shall be alledged to have been committed, before the Justices of Oyer and Terminer, on the First Day of that Court ; or the Justices of the General Court, on the Fourth Day ; and to return a Pannel of their Names. Which Twelve Freeholders so returned, or so many of them as appear, not being challenged, with so many other lawful Freeholders of the By-standers, as shall make up the Number of Twelve Men, are declared to be a lawful Jury for Trial of any Person indicted for Treason or Felony committed in any County of this Colony, before the Justices of Oyer and Terminer, and of the General Court respectively : And in all Trials for Capital Offences, the Prisoner, upon Petition to the Court, shall be allowed Council.

X. The Justices of Oyer and Terminer, may fine any Person summoned and return'd on the Pannel to serve on the Petit Jury as aforesaid, not exceeding Four Hundred Pounds of Tobacco. The Fines before mentioned to be to the King, &c. towards Support of this Government.

XI. No Person who is not a Freeholder, and is not seised of an Estate real and personal, of the Value of One Hundred Pounds

Ann. 1734 Pounds *Sterling*, shall be qualified to be of the Petit
Cap. 7. Jury, for Trial of any Criminal Offence in the Court of
Pag. 16. Oyer and Terminer.

App. XII. *Provided*, Exception for such Insufficiency of
 Estate be made before such Jurymen is sworn. If any
 Challenge is made for the King, of any of the Twelve
 Jurors, so as aforesaid to be returned by the Sheriff for a
 Petit Jury, a good Cause of Challenge shall be shewn.
 This Act to commence the Tenth of *November* next.

Ann. 1734 XIII. 8 *Ge.* 2. *cap.* 8. When any free Indian shall com-
Cap. 8. mit Murder, or other Felony, triable before the General
Pag. 17. Court, or Commissioners of Oyer and Terminer, any free
App. Indian may be examined, without Oath, upon the Trial,
 against or for the Criminal; and the Evidence given by
 such Indian Witnesses to the Grand Jury, and on the Trial
 before the Court, shall be allowed to be good.

XIV. If it shall appear to the Court before whom
 such Trial is, that such Witness hath given false Testi-
 mony, the Court, without further Trial, shall order such
 Witness to have One Ear nail'd to the Pillory, and there
 to stand an Hour, then to have that Ear cut off; and
 the other nail'd to, and cut off, at the Expiration of ano-
 ther Hour.

C U S T O M S.

Ann. 1705 § I. 4 *Ann.* * T H E Master of every Vessel coming
Cap. 27. *cap.* 27. here, for Trade, or being here, and
Pag. 171. designing to lade any Tobaccos, Skins Furrs, or other
 * *Pag.* 172. Goods or Merchandises for Exportation, at his Entry, and
 before he be permitted to break Bulk and Trade, or to
 lade any Goods or Merchandises, shall give Bond, with
 One Surety, to the Queen, her Heirs and Successors,
 that he will not depart with his Vessel from the District
 or Port where she is entred, until Payment of the several
 Customs, Duties, Impositions, and Fees, due from the
 said Vessel, or for any Tobaccos, Skins, Furrs, or other
 Goods and Merchandises laden in her; nor until the
 said Vessel be Duty-clear'd by the Collector and Naval
 Officer of the said District or Port: Which Bond, if the
 Vessel be under Fifty Tons, shall be for Fifty Pounds;
 if above Fifty, and under One Hundred Tons, for One
 Hundred Pounds; if One Hundred Tons, or above, for
 Two Hundred Pounds: And such Bond, upon due Clear-
 ing with the Officers aforesaid, shall be delivered back;
 but shall be wholly forfeited, without any Relief in
 Equity, in Case the Condition thereof be broken.

II. The

II. The Master of every Vessel, upon Clearing, shall ^{Ann. 1705} make Oath, before the Officer, with whom he clears; ^{C. p. 27.} what Tobaccos, Skins, Furs, or other Goods or Mer- ^{Pag. 172.} chandises, are then laden on Board his said Vessel: And that he will not afterwards lade any more Tobaccos, &c. (for which any Custom, Duty, or Imposition, is to be paid, or which the Law requires to be entred,) without a lawful Permit from the Officer of the District where such Tobaccos, &c. are to be so laden.

III. The Customs, Duties, or Impositions, for any Tobaccos, Skins, Furs, or other Goods or Merchandises, laden on Board any Vessel for Exportation, shall be paid to the Collector, or Receiver of the Customs for that District where the said Vessel rides, when the same are laden, and to no other; tho' they be brought from another District.

IV. On Suspicion of Fraud or Concealment, or that the Master makes a false Report of his Lading, the Naval Officer and Collector of the District, * or either of * ^{Pa. 173.} them, for Discovery thereof, may examine, upon Oath, the Mate, Boatwain, or other of the Sailors belonging to the said Vessel, as also any other Persons they think fit.

V. The Collectors Fees shall be as followeth.

| | l. | s. | d. |
|--|----|----|----|
| For Entring and Clearing any Vessel of Fifty Tons, or under, (all Vessels transporting Goods or Commodities from one District to another excepted,) and all Fees incident thereunto, | 0 | 10 | 0 |

| | | | |
|--|---|----|---|
| If above Fifty, and under One Hundred, Tons, | 0 | 15 | 0 |
|--|---|----|---|

| | | | |
|--------------------------------|---|---|---|
| If One Hundred Tons, or above, | 1 | 5 | 0 |
|--------------------------------|---|---|---|

| | | | |
|-------------------------------|---|---|---|
| For taking a Plantation Bond, | 0 | 2 | 6 |
|-------------------------------|---|---|---|

| | | | |
|---|---|---|---|
| For a Certificate of Duties paid upon Goods shipped to the Plantations, | 0 | 2 | 6 |
|---|---|---|---|

The Naval Officers Fees.

| | | | |
|---|---|---|---|
| For Entring and Clearing any Vessel of Fifty Tons, or under, (excepting as is before excepted,) | 0 | 7 | 6 |
|---|---|---|---|

| | | | |
|--|---|----|---|
| If above Fifty, and under One Hundred, Tons, | 0 | 10 | 0 |
|--|---|----|---|

| | | | |
|--------------------------------|---|---|---|
| If One Hundred Tons, or above, | 1 | 5 | 0 |
|--------------------------------|---|---|---|

| | | | |
|--------------------|---|---|---|
| For taking a Bond, | 0 | 2 | 6 |
|--------------------|---|---|---|

| | | | |
|------------------------|---|---|---|
| For a Permit to Trade, | 0 | 2 | 6 |
|------------------------|---|---|---|

| | | | |
|------------------------------|---|---|---|
| For every loading Cask here, | 0 | 0 | 6 |
|------------------------------|---|---|---|

When

Ann. 1705

Cap. 27.

Pag. 173.

When Ports for Import and Export shall be established, and in the mean Time, for a Permit to load a Ship or Vessel for Exportation,

l. s. d.

0 2 6

For a Certificate for all imported Goods, that shall be removed out of one District or River into another, after they are once landed, until Ports shall be established, to be paid to the Officer of the District from whence the said Goods are brought,

0 2 6

* Pa. 174.

* VI. The Naval Officers and Collectors, shall charge no more than Half the Fees aforesaid, for any Ship or Vessel wholly belonging to the Inhabitants of this Country.

VII. Any Collector or Naval Officer demanding and taking any Fee for any other Matter by him done and performed, as Collector or Naval Officer, or as Collector or Receiver of any *Virginia* Duties, or demanding and taking any greater Fee than herein allowed, shall, for the First Offence, forfeit One Hundred Pounds Current Money; One Moiety to the Queen, towards Support of this Government; the other to the Party injured: To be recovered, with Costs, in any Court of Record, by Action of Debt, Bill, Complaint, or Information; no Effoin, Protection, Wager of Law, Privilege, or more than One Imparlance to be allowed: And for a Second Offence, shall be utterly disabled to hold his Place and Office of Collector or Naval Officer for ever; which Place and Office, immediately after Conviction, shall be void, to all Intents and Purposes, and moreover shall forfeit and pay to the Informer, Twenty Pounds Current Money: To be recovered, with Costs, as aforesaid. And if any Person injured by any Collector's or Naval Officer's demanding and taking any Fee, contrary to this Act, fails to inform within Three Months after the Offence committed, any other Person may prosecute, and recover. But such Collector or Naval Officer must be prosecuted for such Offence in the Space of One Year next ensuing such Offence committed.

VIII. Every Collector and Naval Officer shall, within Three Months after Publication of this Act, set up in his Office, a fair written Table of his Fees, according to this Act, and continue the same, by setting up a fresh Copy from Time to Time, as Occasion requires.

* Pa. 175.

* IX. No Master of any Vessel, or other Person shall unlade any Stones, Gravel, or other Ballast, into any River, Creek, Haven, or Harbour, but shall lay the same

on the Land above High-Water Mark ; and any Master of a Vessel offending herein, or suffering any Person under him to do it, shall, for every such Offence, forfeit Ten Pounds Current Money ; One Moiety to the Queen, &c. towards Support of this Government ; the other to the Informer : To be recovered, as the Forfeiture, in Sect. 7. Ann. 1705
Cap. 27.
Pag. 175.

X. The Master of any Vessel, failing to cause any Negro, or other Person, dying on Board his Vessel in any River or Creek here, to be carried on Shore to be buried ; or suffering such Negro, or other Person, to be cast into the Water, shall forfeit Ten Pounds Current Money : To be divided, and recovered, as in Sect. 9.

XI. All Acts, &c. relating to any thing within the Purview of this Act, repealed.

(a) D E B T O R S.

(a) Not put in Execution for many Years. Ann. 1661
Cap. 62.
Pag. 13.

Sect. I. 13 Car. 2.
cap. 62. **N**O Person shall remove out of the County where he dwells, 'til he first sets up his Name at the Door of the Church or Chapel of the Parish where he dwells, Three Sundays together, expressing his Intent of leaving the County, and certifying the Place he is about to remove to ; and shall take a Certificate thereof, from the Minister or Reader of the said Church or Chapel, and the Churchwardens of the Parish, to the Clerk of the County Court, who shall thereupon grant him a Licence to depart.

II. If any Person so removing, does not pay his Debts contracted before Removal, any of his Creditors, by a Warrant from the Secretary's Office, may bring him before the Governor, or any of the Council, for whatsoever Value the Debt is, to put in sufficient Security for performing his Obligation, according to the Tenor thereof, if the Day of Paiment be not past ; and then to take out Execution against his Body or Estate, for Satisfaction of the said Debt.

* III. Any Person, before or after Certificate obtained, as aforesaid, removing any Cattle out of the County he lived in, without Notice given to Four of the nearest Neighbours, (who shall take special Notice of their Ear-Mark and Colour, and make a List of them and their Marks, to be subscribed by the said Viewers, and carried

34 *Debtors. Deer. Disturbers of Divine Service.*

Ann. 1661 to the Clerk of the County Court, to be recorded,) shall
Cap. 62. forfeit, for every Beast removed, contrary to this Act,
Pag. 14. One Thousand Pounds of Tobacco; one Half to the Public, the other to the Complainant.

IV. Any Merchant, Mariner, or other Person, transporting any Person out of his County, without Certificate, as aforesaid, shall be liable to the Paiment of all the Debts and Engagements of the Party transported, due at the Time of his Removal.

D E E R.

Ann. 1734 § I. 8 *Geo.* 2. **N**O Person shall kill any Deer running
Cap. 12. *cap.* 12. wild in the Woods, or unfenced
Pag. 29. Grounds, between the First Day of *January*, and Last
App. Day of *August*, Yearly, or buy or receive of any Indian, or other Person, any Deer kill'd within the Time aforesaid, on Pain of forfeiting, for every such Deer, Fifteen Shillings, to the Use of the Informer; recoverable before a Justice of the County, by the Oath of One sufficient Witness; and to be levied by Distress and Sale of the Offender's Goods, (rendring the Overplus;) and in Default of Distress, to be committed to Goal by the Justice, 'til Paiment.

II. If any Servant or Slave, by Command of his or her Master, Mistress, or Overseer, shall kill, buy, or receive, any Deer killed, contrary to this Act, such Master, Mistress, or Overseer, shall be liable to the said Penalty: And if such Servant or Slave can't prove such Command, he or they shall receive, for every Offence, Fifteen Lashes on his or her bare Back, well laid on; unless Security is given for Paiment of the Fine, within Six Months after Conviction.

III. The Act of 4 *Annæ*, cap. 50. repealed.

D I S T U R B E R S of D I V I N E SERVICE.

Ann. 1680 § I. 32 *Car.* 2. **W**Hoever shall appear in any Church
Cap. 13. *cap.* 2. or Chapel, whilst the Minister is
Pag. 83. exercising his Ministerial Function, and shall disturb him by Words, or any other Manner; or shall there appear in any unseemly or undecent Gesture, any Justice, Sheriff, or other Officer then present, shall put such Person so offending, under Restraint, during Divine Service; who shall

shall also, for the First Offence, be fined Two Hundred Pounds of Tobacco and Cask; and for every such Offence committed after in the like Quality, Five Hundred Pounds of Tobacco and Cask: Which Fines shall be levied by the Sheriff, upon the Estate of the Offender, by Warrant under the Hand of a Justice, for the Use of the Parish. Ann. 1680
Cap. 10.
Pag. 83.

II. Any Justice refusing or neglecting to put this Law in severe Execution, shall be fined Five Hundred Pounds of Tobacco and Cask, to the Use of the Parish, for every such Neglect.

D U T I E S.

§ I. 4 *Ann.* **T**HERE shall be paid to Her Majesty, &c. for the better Support of the College of *William and Mary*, in *Virginia*, the following Duties, Customs, and Imposts, for the following Goods exported, by Land or Water. Ann. 1705
Cap. 29.
Pag. 177.

| | | | | | |
|---|---|---|---|---|-----------------|
| For every raw Hide, | - | - | - | - | d. |
| every tanned Hide, | - | - | - | - | 3 |
| every drest Buck-skin, | - | - | - | - | 6 |
| every undrest Buck-skin, | - | - | - | - | 1 $\frac{3}{4}$ |
| every Doe-skin drest, | - | - | - | - | 1 |
| every undrest Doe-skin, | - | - | - | - | 1 $\frac{1}{2}$ |
| every Pound of Bever, | - | - | - | - | 1 $\frac{3}{4}$ |
| every Otter-skin, | - | - | - | - | 3 |
| every wild Cat-skin, | - | - | - | - | 2 |
| every Mink-skin, | - | - | - | - | 1 $\frac{1}{2}$ |
| every Fox-skin, | - | - | - | - | 1 |
| every Dozen of Raccoon-skins, and so proportionably, | - | - | - | - | 1 $\frac{1}{2}$ |
| every Dozen of Musk-rat-skins, and so proportionably, | - | - | - | - | 3 |
| every Elk-skin, | - | - | - | - | 2 |
| | | | | | 4 $\frac{1}{2}$ |

II. The said Duties shall be paid by the Exporter to the Collectors appointed by the Governor, or with the Advice of the Council, before the said Skins or Furrs are carried out of the Colony; and a Certificate thereof obtained from the Collector of the District where such Skins or Furrs shall be exported, signifying the Paiment of such * Duties; under the Penalty of forfeiting such of them as shall be laden on Board any Vessel, in order for Exportation by Water, or endeavoured to be carried out by Land; one Moiety to the Queen, &c. towards Support of the Government; the other to the Informer; To * Pa. 178

Ann. 1705 be recovered, with Costs, in any Court of Record, by
Cap. 29. Action of Debt, Bill, Plaint, or Information; no Effoin'
Pa. 178. Protection, or Wager of Law allowed.

III. The several Collectors of the said Duties, shall account and pay the same to the Governors of the College of *William and Mary*, or such Persons as shall be by them lawfully deputed; and for receiving and paying such Collectors, shall be allowed Six *per Cent*.

IV. All Acts, &c. relating to any thing within the Purview of this Act, repealed.

Ann. 1726 V. 12 *Geo.* 1. *cap.* 1. † From and after the Tenth
Cap. 1. Day of *June* next, there shall be paid by the Owner or
Pag. 350. Importer, Three Pence *per* Gallon Duty for every Gallon
† *Pa.* 351. of Rum, Brandy, distilled Spirits, or Wine imported, during the Term of Five Years; and one other Duty of One Penny for every Gallon of the said Liquors imported, during the Term of Twenty One Years; and One Penny Duty for every Gallon of Cider, Beer, or Ale imported, during the aforesaid Term of Five Years, (such Liquors directly imported from *Great-Britain*, excepted.)

VI. All Liquors liable to this Duty, that shall be delivered out of the Vessel importing the same before Entry made with the Collector of the Duties, in the Port where they shall be imported, or before the Duty fully satisfied, and a Warrant under the Hand of the said Collector had, for Landing or Delivery thereof, or the Value thereof, shall be forfeited; and may be recovered of the Owners or Importers of the same.

VII. No such Liquors shall be landed before due Entry made, as aforesaid, and a true Account given such Collector of the Contents of each Cask, upon Oath, on Pain of forfeiting double the Value of the Liquors so landed.

VIII. The Master or Purser of every Vessel importing such Liquors, shall make a just Entry, upon Oath, with the Collector aforesaid, of the Burthen and Lading of such
* *Pa.* 352. Vessel, with the Marks and * Numbers of every Cask therein, laden with Liquors, to the best of his Knowledge; and where, and in what Port, the same were laden, upon Penalty of forfeiting One Hundred Pounds Current Money.

IX. Upon Importation of Wine from the Place where the same was made, the Owners or Importers shall have Liberty to enter a Pipe at One Hundred Gallons, and all less Cask, after the same Proportion.

X. Every Collector of the said Duties, shall allow to Persons entering and paying the Duties for Liquors, Twenty Gallons in every Hundred, for Filling and Leakage:
And

And every Person convicted of making a false Entry wittingly or willingly, shall forfeit One Hundred Pounds Current Money. Ann. 1726
Cap. 1.
Pag. 352.

XI. The Collectors of the said Duties, and their Deputies, may go on Board any Vessel, and from thence bring on Shore any Liquors liable to this Duty, if the said Duty be not paid or agreed for, within Ten Days after the First Entry of the said Vessel; and may stay on Board 'til all such Liquors be discharged out of the same.

XII. Any such Collector, or other Person, deputed and appointed under him, or by any other Authority, directly or indirectly, taking any Bribe or Reward; or conniving at any false Entry of Liquors, whereby the Duties shall be defrauded, shall forfeit One Hundred Pounds Current Money, and be for ever after disabled in his said Office, and rendered incapable to hold any Office or Employment, relating to the Customs, in this Colony. And the Person giving such Bribe or Reward, shall forfeit One Hundred Pounds Current Money.

XIII. If the Importer of any Liquors, within Three Months after Importation, shall desire to export the same, or any Part thereof, he shall give a particular Account of the Contents, Casks, Marks, and Numbers of the Liquors, intended to be * exported to the Collector, with * Pa. 353. whom, at Importation they were entered; and shall subscribe the same, and make Oath that the Duty for the same was duly paid at the Entry, and that the same shall be directly carried out of this Colony, and not sold, delivered, or put ashore within the same: And then the said Collector shall allow such Importer the whole Duty paid for the said Liquors so to be exported.

XIV. Any Person paying any of the said Duties, in lawful Money of his own Importation, to be proved by the Oath of the Party paying the same, shall have an Abatement made him by the Collector of the said Duties of Fifteen *per Cent.* in all Duties so paid.

XV. One Third of the Forfeitures arising by this Act, shall be to the King, &c. towards Support of this Government; one Third to the Governor for his own Use; and the other Third to the Informer: To be recovered with Costs, by Action of Debt, Bill, Complaint, or Information, in any Court of Record; no Effoin, Protection, or Wager of Law allowed.

XVI. The Governor, with Advice of the Council, may appoint such and so many Collectors of the Duties laid by this Act upon Liquors, with such Salaries, not exceeding

An. 1726 exceeding Six in the Hundred for collecting the same, as
Cap. 1. to him shall seem best.

Pag. 353. XVII. All Money raised by the said Duties, (the Charges of collecting, managing and accounting for the same, excepted,) shall be accounted for, and paid by the several Collectors thereof, to the Treasurer, upon Oath, to be administered by the said Treasurer, who shall account, upon Oath, for the same to the Assembly ; and the Duties of Three Pence *per* Gallon on Wine, Rum, Brandy, and Spirits ; and of One Penny *per* Gallon on Cider, Beer, and Ale, (over and above the necessary Charges aforesaid,) shall be applied, as the Assembly shall direct, for lessening * the Levy by the Poll, or defraying any public Expence, and for no other Use whatsoever.

* *Pa. 354.* XVIII. The Sum of Two Hundred Pounds *per Annum*, out of the Duty of One Penny *per* Gallon on Wine, Rum, Brandy, and Spirits, shall be appropriated for the Relief of the College of *William and Mary* ; and during the aforesaid Term of Twenty One Years, shall be paid by the Treasurer, Half-Yearly, in equal Portions, unto the surviving Trustees of the said College, until the same shall be transferred to the President and Masters ; and from and after such Transfer, to the President and Masters, and their Successors, towards maintaining and supporting the full Number of Masters and Professors, which are to reside in the College ; and if at any Time there shall be no Trustee of the said College, residing in this Country, before such Transfer shall be made, the said Sum of Two Hundred Pounds shall be, in Manner aforesaid, paid to the Visitors and Governors of the said College, or to such Person as they shall appoint to receive the same : And after the said Sum of Two Hundred Pounds *per Annum* satisfy'd, the Overplus Money, arising from the said Duty, shall be applied to such other Uses, as the Assembly shall direct, as aforesaid.

XIX. Any Collector of the Duties aforesaid, may enter into any House, Warehouse, or Storehouse, in the Day Time ; or, if Occasion, by Warrant under the Hand of a Justice, and in Company with a Constable, may break, in the Day Time, any House, Warehouse, or Storehouse, to search for, seize, and carry away, any Liquors, for which the Duties shall not have been paid : And any such Collector, or Constable, sued for any Thing done in Execution of the Powers hereby given, may plead the General Issue, and give this Act in Evidence, and shall

shall recover double Costs, if the Plaintiff in such Suit shall be nonsuited, or Judgment passes against him. *Ann. 1726*
Cap. 1.

XX. Every Master of any Vessel carrying any Liquors liable to the Duties aforesaid, from one District to another, shall, before he departs out of the District where such Liquors are taken on Board, make Oath before the Collector of the Duties therein, to the true Quantity of the Liquors on Board; and that he will not take any more in; of which he shall take a Certificate from the said Collector: And if such Master * puts on Shore in any other District, or transports from one District to another, any such Liquors, without having made such Oath, and obtained such Certificate, he shall forfeit the Value of such Liquors; to be recovered and disposed of, as the other Forfeitures herein before-mentioned. *See Sect. 54.* * *Pa. 355.*

XXI. 5 & 6 Geo. 2. cap. 2. After the last Day of July next, there shall be paid by the Owner or Importer, Three Pence *per* Gallon Duty for every Gallon of Wine, Rum, Brandy, and other distill'd Spirits, for the Term of Four Years, (such Liquors directly imported from *Great-Britain*, excepted.) *Ann. 1732*
Cap. 2.
Pag. 464.

* XXII. All Liquors liable to this Duty, that shall be delivered out of the Vessel importing the same, before Entry made with the Collector of the said Duty, in the Port where they shall be imported, and a true Account given upon Oath, of the Number of Gallons every Cask did contain, according to the Invoice thereof, at the Port where the same was shipped, and a Permit had, under the Hand of the said Collector, for Landing or Delivery thereof; or the Value of such Liquors so delivered, shall be forfeited, and may be recovered of the Owners or Importers of the same; and may be seized by any Officer of the Customs of the Port where the same shall be so delivered, or any other Person whatsoever. * *Pa. 465.*

XXIII. The Owner or Importer may make Oath to the Contents of each Cask, before any Justice; upon whose Certificate thereof, on the Back of the Invoice of such Liquors, the Collector of the Duty, shall give a Permit for Landing or Delivery thereof.

XXIV. The Master, or Purser, of every Vessel importing such Liquors, shall make a true and just Report, upon Oath, within Forty Eight Hours after Arrival in any Port, with the Collector of the Duty in the same, of the Burthen, Contents, and Loading of such Vessel, with the particular Marks and Numbers of every Cask of Liquor, to the best of his Knowledge, and where the same
were

Ann. 1732 were laden, on Penalty of forfeiting One Hundred Pounds
Cap. 2. Current Money.

Pag. 465. XXV. The Owners or Importers of Wine, from the Place it was made, may enter a Pipe, a Ton, Hundred Gallons, and all less Cask, after the same Proportion.

† *Pa.* 466. † XXVI. Every Collector of the said Duty, shall allow to Persons entering and paying the Duty for Liquors, for Filling and Leakage, Twenty Gallons in every Hundred, according to the Invoice of such Liquors made and taken at the Port where they were laden.

XXVII. Every Person convicted of making a false Entry wittingly or willingly, shall forfeit One Hundred Pounds Current Money.

XXVIII. The Collectors of the said Duty, or any Person by them appointed, may go on Board any Vessel, and from thence bring on Shore any Liquors liable to the said Duty, if the Duty be not paid, or agreed for, within Ten Days after the first Entry of the said Vessel; or Bond, with good Security, given for Payment of the same, at the Expiration of Six Months next after such Entry: Which Bond, if offered, the Collector of the said Duty, may, and shall take; and they may stay on Board the said Vessel, 'til all such Liquors be discharged out of the same.

XXIX. Any such Collector, or any Person deputed by, or under him, or indirectly taking any Bribe or Reward, in any kind whatsoever; or conniving at any false Entry of any Liquors liable to the said Duty, shall forfeit One Hundred Pounds Current Money, and be for ever after disabled in his said Office, and rendered incapable to hold any Office or Employment relating to the Customs, in this Colony: And the Person giving such Bribe or Reward, shall forfeit One Hundred Pounds Current Money.

XXX. If the Importer of any Liquors, for which the Duty shall be paid, or secured to be paid, within Six Months after Importation, shall desire to export the same, or any Part thereof, he shall give a particular Account of the Contents, Marks, and Numbers of the Casks, to be exported, to the Collector, with whom, at Importation, they were enter'd; and shall subscribe the same, and make Oath, that the Duty for the same was duly paid, or secured to be paid, at the Entry. And that the same shall be directly carried out of this Colony, and not sold, delivered, or put on Shore within the same, or brought back again, without making a new Entry,

* *Pa.* 467. and paying the Duty; and then the said Collector * shall

shall allow such Importer the whole Duty paid for the said Liquors to be exported. *Ann. 1732*
Cap. 2.

XXXI. If the Importer, or Owner, of any Liquors, chargeable with the Payment of the Duties on Liquors by this Act, or by 12 Geo. 1. cap. 1. shall import Money for paying the said Duties, and make Proof thereof, before any Collector of such Duties, such Collector shall certify the same: On producing which Certificate, to any Collector of the said Duties, he shall allow Fifteen *per Cent.* in the Payment of such Duties on any Liquors by him afterwards imported, 'til such Money shall be all paid away; and, upon Payment of a less Sum than mentioned in the Certificate, the Collector shall endorse on the said Certificate the Sum so by him received; but no Allowance shall be made for any Money imported by any other Person than the Owner, or Importer of the Liquors, who shall pay the Duties. *Pag. 467.*

XXXII. The Forfeitures arising by this Act, shall be divided, and recovered, as those in the 15th Sect.

XXXIII. The Governor, with Advice of the Council, may appoint such, and so many, Collectors of the Duty laid by this Act, with such Salaries, not exceeding Six in the Hundred, for collecting the same, as to him shall seem best.

XXXIV. All Money raised by the said Duty, (the necessary Charges of collecting, managing, and accounting for the same, excepted,) shall be accounted for, and paid by the Collectors thereof, upon Oath, to John Holloway, Esq; Treasurer, or to the Treasurer of Virginia, for the Time being: And the said John Holloway, (a) shall have all the Powers and Authorities, in the Execution of his Office; and the same Salary for receiving the Duty imposed by this Act, and give such Security, (and in Case of his Death, or Disability, the Treasurer, for the Time being, shall be appointed in the same Manner,) as is directed by 12 Geo. 1. cap. 2. See Treasurer. Sect.

11. And the said John Holloway, and the Treasurer * * *Pa. 468.* for the Time being, shall account, upon Oath, for the said Duties to the Assembly, to be applied as the said Assembly shall direct, for lessening the Levy by the Poll, or defraying any Public Expence, and for no other Use whatsoever.

(a) Sir John Randolph appointed Treasurer, by 8 Geo. 2. cap. 16.

Ann. 1732
Cap. 2.
Pag. 468

XXXV. Any Collector of the Duty aforesaid, may enter into any House, Warehouse, or Storehouse, in the Day Time; or, at Occasion, by Warrant, under the Hand of a Justice, and in Company with a Constable, may break, in the Day Time, any such Houses, to search for, seize, and carry away any Liquors, for which the Duty shall not have been paid, or secured. And any such Collector, or Constable, sued for any Thing done in Execution of the Powers hereby given, may plead the General Issue, and give this Act, and the Special Matter in Evidence, and shall recover double Costs, if the Plaintiff in such Suit shall be nonsuited, or Judgment passes against him.

XXXVI. In all Actions, Suits, or Informations, or where any Seizure of any Liquors shall be made, if the Property thereof be claimed by any Person, as Importer, thereof, the *Onus probandi* shall lie upon the Claimer of such Liquors.

XXXVII. Every Master of any Vessel carrying any Liquors liable to the Duty aforesaid, from one District to another, shall, before he departs out of the District where such Liquors are taken on Board, or where they were first tendered, make Oath, before the Collector of the Duties there, or some Justice near the Place where the said Vessel rides, to the true Quantity of * the Liquors on Board; and that he will not take any more in, and shall take a Certificate of the said Collector of the Quantity of Liquors then on Board, and that such Oath hath been made thereto. And if such Master transports from one District to another, any such Liquors, without having made such Oath, and obtained such Certificate; or shall put on Shore any such Liquors in any other District than where they were first entered, without having first produced to the Collector of the District, to which such Liquors shall be carried, such Certificate, as aforesaid, on which he shall endorse the Time it was produced to him; such Master shall forfeit the Value of the Liquors: To be recovered, and disposed of, as the Forfeitures herein before-mentioned are directed to be. See Sect. 32, § 15, § 52.

Ann. 1732
Cap. 3.
Pag. 469.

XXXVIII. 5 & 6 Geo. 2. cap. 3. After passing this Act, there shall be paid to the King, His Heirs, and Successors, for all Slaves imported here for Sale, by Land or Water, by the Buyer, after the Rate of Five Pounds *per Cent.* on the Amount, within Forty Days after the Purchase made, for the Uses herein after-mentioned: And any Buyer chargeable with the said Duty, failing to pay the same in Forty Days, for such Slave or Slaves, as shall be

be then living; and to give a true Account of the Slaves *Ann. 1732*
 purchased, and for how much, to the Collector of the *Cap. 3.*
 said Duty, nearest the Place where such Buyer lives, or *Pag. 469.*
 the Vessel importing such Slaves lies, shall forfeit Five
 Pounds Current Money, for every Slave so concealed,
 and for which the said Duty shall not be paid within
 the said Time: And every Collector, on Receipt of the
 said Duty, shall give a Receipt for the Money by him
 received, expressing the Number of Slaves, for which
 Duty is paid, and the Time of Payment.

XXXIX. When any Contract shall be made for any
 Slave or Slaves, in *Sterling* Money, there shall be paid
 to the Collector, for the Difference of Money, after the
 Rate of Twenty Pounds *per Cent.* above the said Duty.

XL. When any Slave or Slaves, shall be sold for To-
 bacco, or any other Commodity, the Seller, at the Time
 of Sale, shall value such Slave or Slaves, in Current
 Money; according to which Valuation, the Buyer shall
 pay the Duty.

* XLI. When any Person shall sell any Slave or * *Pa. 470.*
 Slaves, liable to the said Duty, to any Person, not being
 an Inhabitant of this Colony, the Seller, at the Time of
 Sale, shall receive the Duty, and pay the same to the
 Collector of the said Duty, nearest the Place where the
 Buyer lives, or the Vessel lies, on Pain of forfeiting Five
 Pounds Current Money, for every Slave so sold.

XLII. *Provided*, No Duty shall be paid by the Buyer
 of any Slave born in this Colony, or imported, before
 passing this Act, or for which the said Duty shall have
 been once paid.

XLIII. *Provided also*, That if any Inhabitant of
 this Colony, shall really, and *bona fide*, buy any Slave
 or Slaves, for his own Use, and not in Trust for any
 Person, not being an Inhabitant, for which the Duty by
 this Act shall be paid; and shall be desirous to export
 such Slave or Slaves, within Twelve Months after the
 Purchase, he shall give a particular Account of the
 Slave or Slaves, he intends to export to the Collector
 to whom the said Duty was paid, and subscribe the same,
 and declare, upon Oath, that he is the true and lawful
 Owner of the Slaves he desires to export, without any
 Trust for any other Person or Persons, and hath duly
 paid the Duty according to this Act; and that the said
 Slaves shall be directly carried out of this Dominion,
 and upon his own Account and Risque, and not sold or
 brought back again within the same, unless the said Duty
 shall

Ann. 1732 shall be repaid to the Collector thereof; and then such
Cap. 3. Collector shall allow such Buyer the whole Duty paid for
Page. 470. such Slave or Slaves, so to be exported.

XLIV. No Draw-back shall be allowed for any Slaves exported into *North-Carolina*; and when any Person makes Oath, as aforesaid, to entitle himself to the Draw-back, he shall also swear, that the Slaves intended to be exported, shall not be carried into the said Province.

† *Pa. 471.* XLV. Every Person to whom any Slave shall be consigned, or by whom any Slave shall be sold, for which the Buyer † is chargeable to pay Duty by this Act, shall, within Three Months after Importation, transmit to the next Collector of the said Duty, a List, or Manifest, of the Number of Slaves by him sold, to whom, and for how much, with the Times of Sale, and the Place of Abode of the Buyers, and how many Slaves (if any) remain unsold; and in such Case, such a List, or Manifest, shall be transmitted, as aforesaid, within Twenty Days after the remaining Slaves shall be all sold. And every Buyer, upon Request of any Collector of the said Duty, after Expiration of Forty Days from the Purchase, at the said Buyer's usual Abode, shall produce such Receipt as herein before directed to be given, for the said Duty; and his Failure to produce the same, shall be taken for a Conviction, that the Duty hath not been duly paid; and such Buyer shall be liable to the Forfeiture by this Act inflicted.

XLVI. If any Buyer of Slaves chargeable with the Payment of the Duty by this Act imposed, shall have imported any Sum of Money, and made such Proof, and obtained such Certificate, as in *Sect. 31.* (*which see*) the Collector shall make him an Abatement of Fifteen *per Cent.* in the Payment of the Duty of the said Slaves, on producing such Certificate, and shall endorse thereon the Sum by him received.

XLVII. One Moiety of the Forfeitures incurred by this Act, shall be to the Governor, for the Time being, to his own Use; the other to him that will sue for the same: To be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information; no Effoin, Protection, or Wager of Law.

XLVIII. The Governor, for the Time being, may appoint such and so many Collectors of this Duty, and such Salaries, not exceeding Six *per Cent.* for receiving the same, as he shall think fit.

XLIX. All Money raised by the said Duty, shall be accounted for, by the Collectors of the same, upon Oath,
 and

and paid to (a) *John Holloway*, Esq; Treasurer, or to the Treasurer of *Virginia*, for the * Time being, who shall give Security, in the Sum of One Thousand Pounds, and shall have all the Powers and Authorities in the Execution of his Office, and the same Salary for receiving the Duty by this Act, as are given by 12 Geo. 1. cap. 2. (See *Treasurer*. Sect. 11.) And the said Treasurer shall account for the said Duty to the Assembly, upon Oath.

Ann. 1732
Cap. 3.
Pag. 471.
* Pa. 472.

L. The said Duty shall be applied for lessening the Levy by the Poll, and for such other Uses, as the Assembly shall direct.

LI. This Act shall continue in Force Four Years. See Sect. 54.

LII. 8 Geo. 2. cap. 2. The Act of 5 & 6 Geo. 2. cap. 2. shall continue in Force Four Years, from and after the Expiration thereof. See Sect. 21.

Ann. 1734
Cap. 2.
Pag 9.
App.

LIII. The Importer of the Liquors in the said Act mentioned, desiring to transport the same from one District to another within this Colony, may make Oath, before some Justice of the County where he lives, that he hath duly enter'd the same with the Collector of the Duties; and paid, or secured the said Duties, according to the said Act, & 12 Geo. 1. cap. 1. Which Oath, such Justice shall certify, with the Mark, Number, and Contents of every Cask, and in what Vessel the same was imported, under his Hand; and such Certificate being produced to the Collector of the Duties in the District to which the said Liquors shall be transported, shall be a sufficient Warrant for the Owner to sell the same in such other District.

LIV. 8 Geo. 2. cap. 3. The Act of 5 & 6 Geo. 2. cap. 3. shall continue in Force Four Years, from and after the Expiration thereof. See Sect. 51.

Cap. 3.
Pag. 10.
App.

LV. 8 Geo. 2. cap. 15. Every Person hereafter shipping Goods to any of the *British* Plantations, shall, before shipping, or in Five Days after, make Oath before some Justice of the County where he lives, to the several Parcels, and their Contents, and that no Tobacco is contained therein; or if there is, he shall make Oath to the true Quantity thereof, on Pain of forfeiting all such Goods,

Cap. 15.
Pag. 32.
App.

(a) This Sect. as to the Appointment of *Holloway*, is repealed by 8 Geo. 2. cap. 16. by which, Sir *John Randolph* is appointed Treasurer, and has these Powers, Authorities, and Salary.

Ann. 1734 or the Value thereof: And such Justice shall certify the
Cap. 15. same, under his Hand; * which Certificate shall be de-
Pag. 32. livered to the Master of the Vessel, who shall deliver it
 * *Pa.* 33. to the Naval Officer of the District, at Clearing, who
App. shall clear no such Vessel, 'til such Certificate produced;
 and such Naval Officer shall deliver, or send a Copy of
 such Certificate to the Collector of the Duty of a Penny
per Pound in the same District, before Clearing. And
 any Person convicted of making a false Oath in the Pre-
 mises, shall suffer, as for Perjury, in a Court of Record,
 by the Laws of *England*.

LVI. Every Master of a Vessel, or other Person clear-
 ing, or concerned in loading such Vessel going to the said
 Plantations, before Clearing, shall make Oath before the
 Naval Officer of the District, to the Quantity of Tobacco
 he hath on Board, if any; or that he hath no Tobacco,
 and will take none on Board, without paying the Duty:
 A Copy of which Oath, such Naval Officer shall trans-
 mit to the Collector of the Customs of the Port where
 such Vessel shall be bound. And any Person convicted
 of making a false Oath in the Premises, shall suffer, as
 for Perjury, in a Court of Record, by the Laws of *Eng-
 land*.

LVII. *Provided*, Nothing herein, shall alter or in-
 fringe the Powers, Privileges, or Allowances of the Col-
 lectors of the Duty of a Penny *per* Pound, appointed by
 the Commissioners of the Customs of *Great-Britain*, pur-
 suant to the Statute of 25 *Car.* 2.

LVIII. If any Person shall carry any Tobacco into
North-Carolina, without paying the Duty of a Penny *per*
 Pound, the Owner thereof, shall forfeit the Value of such
 Tobacco.

LIX. No Skins or Furrs shall be hereafter packed (for
 Exportation) with any other Thing; and every Person in-
 tending to export any, shall, before shipping, make Oath
 before some Justice of the County where he lives, to the
 several Parcels intended to be shipped, and the Number,
 and Kinds of them, and Pounds of Beaver, if any therein
 contained, and that no other Thing is packed therein:
 Which Oath shall be certified, as aforesaid, and the Cer-
 tificate delivered to the Naval Officer, by the Master of
 the Vessel, before Clearing, who shall receive the Duty
 from the Owner, accounting all Deer Skins so shipped, to
 be One Third Buck, and Two Thirds Doe Skins.

* *Pa.* 34.
App.

LX. Where * any Person shall be found travelling on
 the Frontiers with any Skins or Furrs, any Justice, She-
 riff,

riff, or Constable of the County, may seise the same, unless such Person produces a Certificate, under the Hand of some Justice in this Colony, that he is an Inhabitant of this Colony; and shall make Oath, that he will not carry, or cause the said Skins or Furrs to be carried into any other Province or Colony, without paying the Duty; one Moiety of the said Skins, &c. so seised, to the Seisor; the other to the King, &c. for better Support of the College of *William and Mary*, in *Virginia*. Anno 1734
Cap. 15.
Pag. 34.

LXI. Where any Hides, Skins, or Furrs, shall be exported by Land or Water, contrary to this Act, or the Act of 4 *Anna*, cap. 29. (See Sect. 1 & 2.) the Owner shall forfeit the Value thereof; the Moiety of the Penalties by this Act inflicted, not otherwise disposed of, to the King, &c. for better Support of the said College; the other to the Informer: To be recovered, with Costs, by Action of Debt, or Information, in any Court of Record.

LXII. After 25 *October*, 1735, the whole Duty of a Penny *per* Gallon on Rum, Brandy, distilled Spirits, and Wine imported, laid by 12 *Geo. 1. cap. 1.* (See Sect. 5.) of which, Two Hundred Pounds *per Annum* was appropriated for Relief of the said College, (See Sect. 18.) shall be given to the President and Masters of the said College, and their Successors, for the Residue of the Term of Twenty One Years in the said Act mentioned, for such Uses, as the greater Part of the Governors and Visitors of the said College shall direct; so as some Part of it be applied for buying such Books for the Use of the Students, to be kept in the Public Library of the said College, as the major Part of the said Governors and Visitors shall think most necessary; such Books to be marked, *The Gift of the General Assembly of Virginia, in the Year 1734.*

LXIII. The President, Masters, Scholars, Students, and Domestic Servants, of and belonging to the said College, are exempted from being listed as Tithables, and from paying any Public, County, or Parish Levies, for ever.

E M B A R G O S.

Section I. Ann. 1705
Cap. 47.
Pag. 214.
4 *Ann.* All Masters of Ships and Vessels, when they enter, shall give Bond to the Naval Officer, according to the Burthen of their Vessels, as follows: If the Vessel be under 100 Tons,

Ann. 1705 Tons, the Bond shall be for One Hundred Pounds *Ster-*
Cap. 47. *ling*; and if 100, and not 200 Tons, for Two Hundred
Pag. 214. Pounds *Sterling*; and if 200 Tons, and upwards, for
 Five Hundred Pounds *Sterling*; with Condition, not to
 depart this Colony, during the Continuance of any Em-
 bargo to be laid; and to observe the Directions to be gi-
 ven by the Government, for the making up of Fleets.

II. *Provided*, That the Collectors, or Naval Officers,
 upon Receipt of the Order for any Embargo to be laid,
 forthwith give Notice to the several Masters of Vessels in
 their respective Districts, of the said Embargo, and the
 Continuance thereof; and no Bond, as aforesaid, shall be
 forfeited, without such Notice given, and Breach of the
 Condition of such Bond afterwards.

III. All Acts, &c. relating to any thing within the
 Purview of this Act, repealed.

E N T E R T A I N M E N T of S T R A N G E R S.

Ann. 1663 § I. 15 *Car.* 2. **N**O Person, not making a positive
Cap. 16. *cap.* 16. Agreement with any One, he shall
Pag. 31. entertain into his House, for Diet, or Storage, shall reco-
 ver any Thing against any One so entertained, or against
 his Estate; but every One shall be reputed to entertain
 those of Courtesy, with whom they make not a certain
 Agreement.

E X E C U T I O N S.

Ann. 1726 § I. 12 *Geo.* 1. **T**H E Acts of 4 *Annæ*, *cap.* 37. &c.
Cap. 3. *cap.* 3. 51. are repealed.
Pag. 356. * II. The several Writs of *Fieri facias*, *Elegit* &
 * *Pa.* 357. *Capias ad satisfaciendum*, shall be hereafter issued in
 the King's Name, and bear Test by the Clerk of the
 Court, out of which the same shall issue, and shall be
 made returnable in the General Court, to some Day in
 the next General Court; and in the County Courts to
 the next succeeding County Court, so that there be always
 at least Fifteen Days between the Test and Return; and
 shall be according to the respective Forms hereafter-
 mentioned, *mutatis mutandis*.

III. The

III. The Form of a *Fieri facias* in Debt.

GEORGE, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, &c. To the Sheriff of _____ County, Greeting. We command you, that of the Goods and Chattels of A. B. late in your Bailiwick, you cause to be made the Sum of _____ which C. D. lately in our General Court, hath recovered against him, for Debt; also the Sum of _____ which to the said C. D. in the same Court, were adjudged for his Damages; as well by Reason of detaining the said Debt, as for his Costs, in that Suit expended, whereof he is convicted, as appears to us of Record: And that you have the said _____ before the Justices of our said Court, the _____ Day of _____ to render to the said C. D. of the Debt and Damages aforesaid; and that you have there then this Writ. Witness, &c.

IV. A *Fieri facias*, in Case upon a Promise.

----- As before, unto ----- for his Damages which he sustained, as well by Reason of his not performing a certain Promise and Assumption to the said C. D. by the said A. B. lately made, as for his Costs, by him about his Suit in this Behalf expended, &c.

V. In Trespass.

----- As before, unto ----- for Damages, as well by Occasion of a certain Trespass by the said A. B. to the said C. D. offered, as for Costs.

VI. If for the Defendant, say,

For his Costs about his Defence in a certain Action, at the Suit of the said -----

VII. In Covenant.

----- As before, unto ----- for Damages, &c. by Occasion of the Breach of a certain Covenant between the said A. B. and C. D. lately made.

VIII. The Form of a Writ of *Elegit*.

GEORGE, &c. Greeting. Whereas A. B. at our General Court, before our Justices held, &c. hath recovered against C. D. _____ which to the said Plaintiff

Ann. 1726 Plaintiff was adjudged, for a certain Debt or Damages,
 Cap. 3. ----- as before ----- And the said A. B. by the Statute
 Pag. 357. in that Case made and provided, hath chosen to have de-
 † Pa. 358. livered to him all the Goods and Chattels † of the said
 C. D. besides the Oxen, and Beasts of his Plough, and
 also a Moiety of all his Lands and Tenements in your
 Bailiwick; To Have and to Hold, the Goods and Chat-
 tels aforesaid, as his own proper Goods, and the said
 Moiety, as his Freehold, to him and his Assigns, until
 he shall have levied thereof, the Debt and Damages a-
 foresaid: Therefore we command you, that you cause to
 be delivered all the Goods and Chattels of the said C. D.
 besides the Oxen, and Beasts of his Plough, and also a
 Moiety of all his Lands and Tenements in your Baili-
 wick, whereof he, at the Day of obtaining the said
 Judgment, was seised, or at any Time afterwards, by
 reasonable Price and Extent; To Have and to Hold, the
 said Goods and Chattels to him the said A. B. as his own
 proper Goods and Chattels, and the said Moiety, as his
 Freehold, to him and his Assigns, according to the Form
 of the Statute aforesaid, until he shall have levied thereof,
 the Debt and Damages aforesaid. And that you cer-
 tify our said Justices, under your own Seal, and the Seals
 of those by whose Oaths you shall make this Extent and
 Appraisement, how you execute this Writ, the
 Day of ----- And have there then this Writ, &c.

IX. The Form of a *Capias ad satisfaciendum*.

G E O R G E, &c. Greeting. We command you,
 that you take A. B. late of, &c. if he be found
 within your Bailiwick, and him safely keep, so that you
 have his Body before our Justices of our General Court,
 the ----- Day of ----- to satisfy C. D. the Sum
 of ----- which the said C. D. hath recovered against
 him for Debt, &c.

X. And in Case, Trespass, and Covenant, as before,
 in the *Fieri facias*.

XI. Which said Writs shall be executed by the Sheriff,
 or other Officer, to whom the same shall be directed;
 and shall be returned, according to the several Forms
 hereafter-mentioned.

XII. The

XII. The Return of a *Fieri facias*.

BY Virtue of this Writ to me directed, I have caused to be made the within-mentioned Sum of of the Goods and Chattels of the within-named A. B. which said Sum of before the Justices within-mentioned, at the Day and Place within contained, I have ready, as that Writ requires.

Or,

THE within-named A. B. hath no Goods or Chattels in my Bailiwick, whereof I can make the Sum within-mentioned.

Or,

BY Virtue, &c. I have caused to be made, of the Goods and Chattels of the within-named A. B. the Sum of which I have ready to render to the within-named C. D. in Part of the Debt and Damages within-mentioned. And I do further certify, that the said A. B. hath no more Goods and Chattels within my Bailiwick, whereof at present I can make the Residue of the said Debt and Damages, as by the said Writ is required.

* XIII. The Return of a Writ of *Elegit*.

* Pa. 359.

fc. Inquisition indented, taken at in the County aforesaid, the Day of in the Year of our Lord before me E. F. Gent. Sheriff of the County aforesaid, By Virtue of a Writ of our Lord the King, to me directed, and to this Inquisition annexed, and by the Oath of G. H. I. K. &c. good and lawful Men of my Baliwick, who being charged and sworn, upon their Oaths, do say, That A. B. in the said Writ to this Inquisition annexed, named, the Day of the Caption of this Inquisition, was possessed of the Goods and Chattels following, as of his own proper Goods, viz.----- of the Price of ----- which I, the said Sheriff, have caused to be delivered to the said C. D. To Hold him, as his own proper Goods and Chattels, in Part of Satisfaction of his Debt and Damages aforesaid, in the said Writ mentioned : And further, the said Jurors, upon their Oaths, do say, That the said A. B. at the Time of rendering the Judgment aforesaid, was seised in his Demesne, as of Fee, and in ----- (naming the Houses and

Ann. 1726 Lands ----- with the Appurtenances, of the clear annual
 Cap. 3. Value in all the Issues, beyond Reprises of . . . Pounds
 Pag. 359. ----- Acres, of which, or thereabouts, are a true and
 equal Moiety of all and singular the Lands, Tenements,
 and Hereditaments whatsoever, in the County aforesaid,
 of the said A. B. Which said Moiety, I, the said Sher-
 riff, the Day aforesaid, to C. D. in the said Writ
 named, at a reasonable Extent, have delivered; To Hold
 to him and his Assigns, as his Freehold, according to the
 Form of the Statute in that Case made and provided,
 until he shall have levied the Residue of the Debt and
 Damages aforesaid, as the Writ aforesaid requires:
 And further, the said Jurors, upon their Oaths, do say,
 That the said A. B. at the Time of giving the Judg-
 ment aforesaid, had not, nor at the Day of taking this
 Inquisition, bath any other or more Goods or Chattels,
 Lands or Tenements, in the County aforesaid, to the
 Knowledge of the Jurors aforesaid. In Testimony where-
 of, as well I, the said Sheriff, as the Jurors aforesaid,
 to this Inquisition, have severally put our Seals, the
 Day, Year, and Place, above-mentioned.

XIV. The Return of a *Capias ad satisfaciendum*.

B*T* Virtue of this Writ to me directed, I have taken
 the within-named A. B. whose Body, before the
 Justices within named, at the Day and Place within-
 contained, I have, ready to satisfy C. D. of the Debt
 and Damages within-mentioned, as within to me is com-
 manded.

Or,

T*H*E within-named A. B. is not found in my Bali-
 wic.

* Pa. 360. * XV. The Party, at whose Suit any Person shall die
 charged in Execution, his or her Executors or Ad-
 ministrators, may, after such Persons Death, sue and
 have new Execution against such Persons Lands and
 Tenements, Goods and Chattels, or any of them, as
 fully as might have been done by the Laws and Statutes
 of England, if such Person had never been taken or
 charged in Execution.

XVI. *Provided*, Such new Execution shall not affect
 any Lands, Tenements, or Hereditaments of the Person
 so deceased, which, at any Time after the said Judg-
 ment, shall have been by such Person, *bona fide*, sold
 for

for the Paiment of any of his or her Creditors, and the Money arising thereby, shall have been paid or secured to any of his or her Creditors, with their Privy or Consent, in Discharge of their Debts, or some Part of them. Ann. 1726
Cap 3.
* Pa. 360.

XVII. When any Execution shall issue, and the Party, at whose Suit the same issued, shall afterwards desire to take out another at his own Costs, the Clerk may issue the same, if the First be not returned and executed: And if, upon a *Capias ad satisfaciendum*, the Sheriff shall return, that the Defendant is not found, the Clerk may issue a *Fieri facias*: And, upon a *Fieri facias* return'd, that the Party hath no Goods, or that only Part of the Debt is levied, a *Capias ad satisfaciendum*, may issue upon the same Judgment: And so, where Part of a Debt shall be levied upon an *Elegit*, a new *Elegit* shall issue for the Residue; and, upon *Nihil* returned upon any *Elegit*, a *Capias ad satisfaciendum*, or *Fieri facias*, may issue; and so *vice versa*: And where one Judgment is obtained against several Defendants, Execution thereon shall issue, as if it was against one Defendant, and not otherwise.

† XVIII. When any Judgment, Statute, or Recognition shall be extended, the same shall not be avoided or delayed, by Occasion, that any Part of the Lands or Tenements extendible, are or shall be omitted out of such Extent. † Pa. 361.

XIX. Saving to the Parties whose Lands shall be extended, their Heirs, Executors, and Assigns, their Remedy for Contribution against such Persons whose Lands are omitted out of such Extent, from Time to Time.

XX. *Provided*, Nothing in this Act, shall be construed to give any Extent or Contribution, against any Heir within the Age of Twenty One Years, during his Minority, in Respect of any Lands to such Heir descended, otherwise than might have been before the making this Act.

XXI. No Writ of Execution shall bind the Property of the Goods, against which such Writ issued, but from the Time it shall be delivered to the Sheriff, Under-Sheriff, or Coroners, to be executed: Which Sheriff, &c. their Deputies and Agents, shall, on Receipt of any such Writ, (without Fee,) endorse thereon the Day of the Month, and Year, when he or they received the same: And if Two or more Writs be delivered against the same Person, in the same Day, that which was first delivered, shall be first satisfy'd.

XXII. When any Sheriff, or other Officer, shall take the Goods or Chattels of any Person, by *Fieri facias*,
and

Ann. 1726 and the Owner shall not, within Three Days, satisfy the
Cap. 3 Party suing out such Writ, his Debt, Damages, and Costs ;
Pag. 361. such Sheriff, &c. shall sell the same, or so much thereof,
 as shall be sufficient to satisfy the Judgment, by Auction,
 for the best Price that can be gotten for the same : But
 shall give Notice of the Time and Place appointed for
 such Sale, at the Church or Chapel of the Parish where
 such Goods are taken in Execution, by setting up a Note
 thereof, before the Service begins, in some convenient or
 usual Place near such Church or Chapel, and by publish-
 ing the same in the Church-yard immediately after Di-
 vine Service, upon the next *Sunday* after such Taking :
 And the said Sale shall be made the Third Day after such
 Notice given, and not sooner. See Sect. 41.

* *Pa.* 362. * XXIII. *Provided*, Such Sheriff, &c. may take suffi-
 cient Security of the Person whose Goods shall be so ta-
 ken in Execution, for their forth-coming at the Time of
 Sale ; and thereupon may suffer the said Goods to remain
 in the Possession, and at the Risque of the said Debtor,
 until the said Time.

XXIV. *Provided nevertheless*, If the said Debtor, at
 the Time of Sale, as aforesaid, shall tender to the Sheriff,
 or Officer, the Debt, Damages, and Costs, for which such
 Goods were so taken ; such Sheriff, &c. shall accept the
 same, and restore the Goods.

XXV. If any Sheriff, or other Officer, shall return
 on any *Fieri facias*, that he hath levied the Debt, &c.
 or any Part thereof, and shall not immediately pay the
 same to the Party, or his Attorney ; the Clerk of the
 Court, out of which such *Fieri facias* issued, at the Re-
 quest of the said Party, shall issue a *Scire facias* against
 such Sheriff, &c. to have Execution against him, for the
 Money so levied.

XXVI. And if the Goods taken by any Sheriff, &c.
 as aforesaid, or any Part thereof, shall remain in his
 Hands for want of Buyers, he shall so return ; and the
 Writ of *Venditioni exponas* shall issue in this Form :

XXVII. **G**EORGE, &c, *To the Sheriff of*
County, Greeting. We command you, that
you expose to Sale, those Goods and Chattels of A. B. to
the Value of *which, according to our Command,*
you have taken into our Hands, and which you detain for
want of Buyers, as you have certified to our Justices of
our General Court, to satisfy C. D. the Sum of
whereof in our said Court he hath recovered Execution
against

against the said A. B. by Virtue of a Judgment in the said Court : And that you have, &c. Ann. 1726
Cap. 3.
Pag. 362.

XXVIII. And thereupon such Sheriff, &c. shall dispose of such Goods in any Manner, either for ready Money, or upon Credit, as he, and the Party prosecuting such Writ, shall think best.

* XXIX. The Clause in the County Court Act (9 Anne, cap. 11.) relating to *issuing Executions against Persons removing out of the County*, shall be repealed; and where Judgment shall be obtained in any Action in any inferior Court of Record, for Debt or Damages, and the Person against whom the same is obtained, shall remove, with his Effects, out of the Jurisdiction of such Court, the Clerk of the same Court shall, on Request of the Party for whom Judgment was rendered, issue any *Fieri facias*, or *Capias ad satisfaciendum*, in Form, and under the Teste before prescribed; and direct the same to the Sheriff of any County where the Debtor, or his Goods, shall be found: Which Sheriff, or other Officer, to whom the same is directed, shall execute and return the same in Manner aforesaid. * Pa. 363.

XXX. If any Person charged in Execution, shall give Bond, with good Securities, under a reasonable Penalty, for keeping within the Rules or Bounds of the Prison to which such Person is committed, the Sheriff, &c. may permit such Person to go out of the Prison, and return at Pleasure.

XXXI. If any Person charged in Execution, as aforesaid, or having the Liberty of the Prison Bounds, shall make an Escape; upon Oath thereof, in Writing, to be made by one or more credible Person or Persons, before any One of the Judges of that Court where Judgment and Execution were obtained; such Judge shall and may grant to any Person, demanding the same, one or more Warrant or Warrants, under his Hand and Seal, reciting the Execution or Executions with which such Person escaping, stood charged: Which Warrant shall be in Force in all Places within this Colony, and shall be directed to all Sheriffs, Maiors, Bailiffs, Constables, and Headboroughs, commanding every of them, in their respective Precincts, to retake such Person so escaped; and him or her so retaken, to commit to the Prison where Debtors are usually kept, in the County where such Person shall be retaken; there to remain without Bail or Mainprise, or being thence, on any Account, delivered or removed, 'til

Ann. 1726 'til Satisfaction made to the respective Creditors in such
Cap. 3. Executions named, or the * Judgments, on which such
Pa. 363. Executions were sued out, be reversed or discharged by
 * *Pa.* 364 due Course of Law; except such Person be charged with
 Treason, or Felony, or any other Matter, on Behalf of the
 King: And if such Person, for any such Cause, be re-
 moved to any other Prison, he or she shall be in Custody
 of such Goal, charged with all the Executions he or she
 was charged with, in the Goal from whence he or she
 was removed. And every Officer, after Delivery of such
 Prisoner so retaken, together with such Warrant to the
 Sheriff, shall take a Note in Writing from such Sheriff,
 testifying the Receipt of such Prisoner; which Sheriff
 shall receive such Prisoner, and give such Note, and make
 Return of such Warrant to the Court where the Judgment
 was obtained, there to be entred and filed upon Record.
 And if any Person so retaken, shall escape out of the
 Goal to which he or she shall be committed, as aforesaid,
 the Sheriff, in whose Custody such Person was, shall be
 liable to answer for such Escape.

XXXII. The Statute of 3 *Will.* and *Mary*, *cap.* 14.
 made for *Relief of Creditors, against fraudulent Devi-*
ses, shall be in Force within this Colony.

XXXIII. If any Person charged in Execution, shall
 have remained in Prison Twenty Days, any Justice of
 the Peace in his respective Jurisdiction, upon Petition of
 such Prisoner, by Warrant under his Hand and Seal, (of
 which Notice shall be given to the Person, at whose Suit
 such Prisoner shall be imprisoned, his Executors, Admi-
 nistrators, Attorney, or Agents,) may require the Sheriff,
 † *Pa.* 365. Goaler, or Keeper of such Prison, to † bring before the
 Justices, at the Court to be held for such Jurisdiction next
 after the Date of the said Warrant, the Body of such Per-
 son being in Prison, as aforesaid, with a List of the sever-
 al Executions with which such Person is charged, in such
 Goal: Which Warrant, every Sheriff, &c. shall obey.
 And such Prisoner coming before the said Justices, shall,
 in open Court; subscribe and deliver in a Schedule of his
 or her whole Estate, and swear to the Effect following :

I A. B. do, upon my corporal Oath, in the Presence of
 Almighty God, solemnly swear, profess, and declare,
 That the Schedule now delivered, and by me subscribed,
 doth contain, to the best of my Knowledge and Remem-
 brance, a full, just, true, and perfect Account and Dis-
 covery of all the Estate, Goods, and Effects, unto me any
 ways

ways belonging, and such Debts as are to me owing, or to any Person in Trust for me, and of all Securities and Contracts, whereby any Money may hereafter become payable, or any Benefit or Advantage accrue to me, or to my Use, or to any other Person or Persons, in Trust for me: And that I, or any other Person or Persons, in Trust for me, have not Land, Money, Stock, or any other Estate, Real or Personal, in Possession, Reversion, or Remainder, of the Value of the Debt or Debts, with which I am charged in Execution: And that I have not, directly or indirectly, sold, lessened, or otherwise disposed of, in Trust, or concealed all, or any Part of my Lands, Money, Goods, Stocks, Debts, Securities, Contracts, or Estates, whereby to secure the same, to receive, or expect any Profit or Advantage thereof, or to defraud or deceive any Creditor or Creditors to whom I am indebted, in any-wise hereafter.

So help me God.

Which Schedule, so subscribed, in the Presence of the Justices in open Court, as aforetaid, shall remain with the Clerk of the Court, for better Information of the Creditors of such Prisoner.

XXXIV. All the Lands, Tenements, and Hereditaments, contained in such Schedule, for such Use, Interest, Right, or Title, as such Prisoner then shall have in the same, and which he or she may lawfully depart with: And all Goods and Chattels therein also contained, shall be vested in the Sheriff of the County wherein such Lands, Goods, &c. shall lie, or be found. And such Sheriff shall sell and convey the same to any Person or Persons, for the best Price that can be got: And the Money arising by such Sale, shall, by the Sheriff, or other Officer, be paid to the Person or Persons at whose Suit such Prisoner shall be imprisoned: Saving to such Prisoner, his or her necessary Apparel, and Utensils of Trade.

XXXV. After delivering in such Schedule, and taking such Oath, the Justices of the said Court, or any Four of them, by their Warrant, may command the Sheriff, Goaler, or Keeper of any Prison, forthwith, to set at Liberty such Prisoner: Which Warrant shall be a sufficient Discharge to such Sheriff, &c. and shall indemnify him against any Escape or Action which may be brought against him by Reason thereof: And, if any such Action shall be brought, * he may plead the General Issue, and give this Act in Evidence.

* Pa. 366

Ann. 1726
Cap. 2
Pag. 366

XXXVI. *Provided*, No Person shall have any Benefit of this Act, who shall be taken or charged in Execution, for more than Ten Pounds Current Money, or Two Thousand Pounds of Tobacco due to any one Person.

XXXVII. *Provided also*, Nothing in this Act shall discharge any Person of any Debt or Sum of Money for which he or she shall be imprisoned: But the Person or Persons at whose Suit he or she was imprisoned, may, at any Time afterwards, sue forth a *Scire facias* to have Execution against any Goods or Chattels which such Prisoner shall thereafter acquire.

XXXVIII. If any Person charged in Execution, shall not be able to pay his or her ordinary Prison Fees, such of them as shall accrue for the first Twenty Days, shall be discharged by the County; and the Sheriff, or Goaler, may demand and recover, of the Party or Parties at whose Suit such insolvent Person shall be imprisoned, all such Fees as shall become due after the said Twenty Days, until the Creditor or Creditors shall agree to release such Prisoner out of Prison.

XXXIX. *Provided nevertheless*, Such insolvent Prisoner shall be afterwards liable to the Action of the Creditor to recover such Fees, and such Creditor, shall and may, notwithstanding his Consent to release such Prisoner, afterwards sue out a *Scire facias* to have a new Execution against the Lands and Tenements, Goods and Chattels of such Prisoner, in Case he shall afterwards become possessed of any.

Ann. 1734
Cap. 11.
Pag. 28.
App.

XL. 8 Geo. 2. cap. 11. When any Judgment shall be entred for, or any Rent reserved in, Tobacco; no Execution shall be levied, or Distress made for the same, between the last Day of *August*, and last Day of *December*, Yearly.

* P. 29.
App.

* XLI. Where any Execution shall be served, or Distress made for Money or Tobacco, on the Goods or Estate of any Debtor or Tenant, if he or she shall, within Five Days, tender one or more sufficient Sureties, to be approved by the Creditor or Landlord, to be bound with him for the Payment of such Money or Tobacco, and all Costs, with lawful Interest for the same, at the End of Twelve Months, the Officer shall restore to the Party the Goods, &c. so taken or distrained. And where no such Security shall be offered, and the Goods taken or distrained cannot be sold at Three Fourths of the Value, at the least, in the Opinion of the Officer, such Goods may be set up and sold for Money or Tobacco, to be paid at the

the End of Twelve Months. *Provided*, the Buyer be bound with one or more Sureties, to pay the same accordingly, with Interest. Ann. 1734
Cap. 11.
Pag. 29.

XLII. The Clause of 3 & 4 Geo. 2. cap. 9. Relating to Appraisement of Goods distrained for Rent, repealed. App.

EXECUTORS and ADMINISTRATORS.

§ I. 3 & 4 Geo. 2. **A**FTER passing this Act, whenever the General Court, or any County Court, shall grant a Certificate to any Executor or Administrator, for obtaining a Probat, or Letters of Administration; such Court shall appoint Appraisers to value the Estate; who shall be sworn, and return their Appraisement as usual: Which may be given in Evidence in any Suit against such Executor or Administrator, to prove the Value of the Estate; but shall not be binding on the Executor, Administrator, Creditor, or any other Person, where it shall appear, by any other legal Proof, that the Goods and Chattels were really worth, or were, *bona fide*, sold for more or less than such Appraisement. Ann. 1730
Cap 8.
Pag. 444.

* II. All Executors and Administrators, as soon as they can conveniently, after the Debts of their Testator or Intestate are paid, shall sell all such Goods (Specific Legacies excepted) as may be liable to perish, or be the worse by keeping, for the most can be got, in Money, by public Auction. And shall and may give Credit, on good Security, for what Time such Executor or Administrator, shall think fit, having Regard to the Circumstances of the Estate, the Time the Legacies will become due, or Distribution of the Estate be made. And when such Goods shall be so, *bona fide*, sold, the Executor or Administrator, shall be answerable for the Value of such Sale, and no more. And if any Executor or Administrator, shall sell any of the said Goods, to be paid for at a future Day, the Buyer shall enter into Bond to such Executor or Administrator, with one or more Sureties; or give other sufficient Security for the Payment of the Money accordingly: And the Executor or Administrator, after Time of Payment past, shall take all lawful Ways to receive and recover the Money, on Pain of being answerable for the same himself: And, if it shall not be received, before the Legatees, or other Persons, entitled to a Distribution of such Money, shall have a Right to demand * P. 445.

Ann. 1735 mand the same, the Executor or Administrator, may assign
Cap. 8. such Bond, or other Security, to such Legatee, or other
Pa. 445. Person: And such Assignment shall discharge such Executor or Administrator, for so much, against him or them.

III. *Provided*, If after such Assignment, the Obligor or Obligors become intolvent, so as the Money be lost, such Loss shall be made good to the Assignee, out of the Estate of the Testator or Intestate.

IV. *Provided also*, If any Person, by his Will, shall direct that his Goods shall not be appraised, or shall be preserved, in Specie, and not sold; such Will shall be observed.

V. Where any Persons dies Intestate, leaving sufficient to satisfy his Debts, besides Negros, Slaves, and neat Cattle, the Heir at Law, being under Age, such Cattle shall be kept on the Lands and Plantation of the Heir at Law, until he shall come of Age; and he shall have the Benefit of the Increase, and bear the Loss, if any happens.

VI. *Provided*, That the Administrator of such Estate, or Guardian of such Orphan, if such Stock grows too numerous; or if it will be to the Advantage of such Orphan, shall and may sell such Part of the Stock, as he shall think fit: And also, that such Heir at Law, shall pay the other Children, or such other Persons, as shall be entitled to a Distribution of such Intestate's Estate, their proportionable Parts of the Value of such Stock, as shall be left at the Time of such Intestate's Death.

* *Pa. 446* * VII. Where any Person shall die, between the First Day of *March*, and the Twenty Fifth Day of *December*, the Servants and Slaves of such Person, shall be employed upon the several Plantations occupied by the deceased Person, until the Twenty Fifth Day of *December*, in that Year, for making and finishing a Crop of Tobacco, Corn, or other Grain; and such Crop so made and finished, shall be Ass'ts in the Hands of the Executor or Administrator, after the Charges of cloathing and feeding the Servants and Slaves, the Expence of Working Tools and Utensils, the Quit-Rents of the Land whereon they work, and other incident Charges deducted.

VIII. The Executors and Administrators of Executors, in their own Wrong, and the Executors and Administrators of Executors and Administrators of Right, who shall waste the Estate of his Testator or Intestate, shall be chargeable in the same Manner, as his or their Testator or Intestate, should or might have been.

IX. Actions of Account may be maintained against the Executors and Administrators of every Guardian, Bailiff, and Receiver; and by one Joint Tenant, or Tenant in Common, his Executors and Administrators, against the other, (his Executors and Administrators,) as Bailiff, for receiving more than comes to his just Share. Ann. 1730
Cap. 8.
Pag. 446.

X. Where any Person hath any Child or Children under Age, and not married, at the Time of his Death, the Father of such Child, &c. whether then born, or in *Ventre sa mere*; or whether such Father be within Age, † or of full Age, may, by Deed executed in his Life-time, or by his Last Will in Writing, in Presence of Two or more credible Witnesses, dispose of the Custody and Tuition of such Child, &c. during Nonage, or any less Time, to any Person or Persons in Possession or Remainder, other than Popish Recusants. And such Disposition shall be good against all Persons claiming the Custody of such Child, &c. as Guardian in Socage, or otherwise. And such Person to whom such Custody shall be disposed or devised, may maintain an Action of Ravishment of Ward, or Trespass, against any Person who shall wrongfully take or detain such Child, &c. and shall recover Damages for the same, to the Use of such Child or Children. † P. 447.

XI. Such Person to whom such Custody shall be so disposed or devised, shall and may take into Custody, to the Use of such Child, the Profits of all Lands, Tenements, and Hereditaments; and the Custody and Management of the Slaves and Personal Estate of such Child, 'til full Age, or any less Time, according to such Disposition aforesaid; and may bring such Actions in Relation thereunto, as by Law, a Guardian in common Socage might do.

XII. *Provided*, This Act shall not extend to discharge any Apprentice from his Apprenticeship; nor to take away the Power of the General Court, or any County Court, upon Complaint, of such Guardian's abusing the Trust reposed in him, by misusing the Child under his Tuition, or neglecting the Care of his or Education, suitable to his or her Estate, or wasting the Estate; to make such Orders and Decrees for securing the Estate, and for the better Education and Usage of such Orphan, as they shall judge necessary.

XIII. The Guardian of any Orphan appointed by the General Court, or any County Court, shall, at the next Court after such Appointment, exhibit an Account, upon Oath, of all the Estate of such Orphan which he shall have received,

Ann. 1730 received, or such Orphan shall be entitled to: And such
Cap. 8. Court shall, once every Year, compel all such Guardians
Pag. 447. to exhibit Accounts of the Profits of such Orphan's Estate,
upon Oath, to be entered, by the Clerk, in a Book to be
* *Pa.* 448. kept for that Purpose only; and when such Court * shall
know, or be informed, that any such Guardian wastes,
or in any Manner mismanages such Orphan's Estate; or
does not take due Care of the Education and Maintenance
of such Orphan, according to his Decree and Circumstan-
ces; or where such Guardian, or his Securities, are like-
ly to become insolvent; such Court may make such Or-
ders and Rules, for the better managing and securing such
Estate, and educating and maintaining such Orphan, or
appoint another Guardian, as they shall think fit.

XIV. Such Guardian may charge in such Account, all
reasonable Disbursements and Expences: And if, upon
such Account, it shall appear to the Court, that such
Guardian hath really, and *bona fide*, disbursed more than
the Profits of such Orphan's Estate, for his Education and
Maintenance; such Guardian shall be allowed and paid
so much as he shall have disbursed, above the Profits,
out of such Orphan's principal Estate.

XV. *Provided*, Such Disbursements be suitable to the
Degree and Circumstances of the Estate of such Orphan.
And that all Executors and Administrators be allowed in
their Accounts, all reasonable Charges and Disbursements
expended, for selling any Estate, and receiving the Mo-
ney upon such Sale, pursuant to this Act; and for col-
lecting the Testator's, or Intestate's out-standing Debts;
and no other Allowance whatsoever.

F A L S E N E W S.

Ann. 1661 Section I. **A**NY Person who shall forge or divulge
Cap. 91. 13 *Car.* 2. any false Report, tending to the Trou-
Pag. 18. *cap.* 91. ble of the Country, shall, by the next
Justice of Peace, be sent for, and bound over to the next
County Court; where, if he produce not his Author, he
shall be fined Two Thousand Pounds of Tobacco, or
less, at the Court's Discretion;) and besides, give Bond
for his Behaviour, if it appear to the Court, that he did
maliciously publish or invent it.

FEASTS and FASTS.

Ann. 1661.
Cap. 10.
Pag. 4.

§ I. 13 Car. 2. *cap. 10.* **W**Hereas our late Surrender and Submission to that execrable Power that so bloodily massacred the late King *Charles* the First, of ever blessed Memory, hath made us, by acknowledging them, guilty of their Crimes: To shew our serious and hearty Repentance and Detestation of that barbarous Act, * *Be it Enacted*, That the Thirtieth of *January*, the * Pa. 5.
Day the said King was beheaded, be Annually solemnised with Fasting and Prayers, that our Sorrows may expiate our Crime, and our Tears wash away our Guilt.

II. 13 Car. 2. *cap. 11.* Since God of his Mercy, hath Cap 11.
been pleased to restore our late distracted Kingdoms to Pag. 5.
Peace and Unity, and his late distressed Majesty to the Throne of his Royal Ancestors, *Be it Enacted*, That in Testimony of our Thankfulness and Joy, the Twenty Ninth of *May*, the Day of His Majesty's Birth and happy Restoration, be annually celebrated as an Holy Day.

III. 15 Car. 2. *cap. 14.* Whereas it is evident, that Ann. 1663
certain mutinous Villains had entered into such a despe- Cap. 14.
rate Conspiracy, as had brought an inevitable Ruin up- Pag. 31.
on the Country, had not God in his infinite Mercy prevented it: This Grand Assembly, to testify their Thanks to Almighty God, for so miraculous a Preservation, *Have Enacted*, That the Thirteenth of *September*, the Day when this villainous Plot should have been put in Execution, be Annually kept Holy, to keep the same in a perpetual Commemoration.

F E E S.

§ I. 10 Geo. 2. *cap. 8.* **T**H E Secretary, County Court Clerks, Ann. 1733
Sheriffs, Coroners, Constables, and Cap. 8.
Surveiors, after Commencement of this Act, may respec- Pag. 16.
tively demand and take the several Fees herein after-men- App. 16
tioned, for any Business by them respectively done, by Virtue of their several Offices, and no other Fees whatsoever: (That is to say,)

II. *To the Secretary.* Current Money.
s. d.

For Making out, Sealing, and Recording at }
large, a Patent for Land, before the same } 8 0
shall be recorded, }

For

Ann. 1736.

Cap. 8.

Pa. 16.

App. 11.

Current Money.

s. d.

| | | |
|---|----|---|
| For Making out, Sealing, and Recording at large, a Patent commonly called a Double Patent, before the same shall be recorded, | 12 | 0 |
| For Recording every Warrant to an Escheator, and Inquisition thereupon, | 11 | 6 |
| For a Copy thereof the same, | | |
| For Parchment for every Patent, | 2 | 6 |
| For every Pass, | 10 | 0 |
| For every Freedom for a Ship or Vessel, | 10 | 0 |
| For every Testimonial, | 10 | 0 |
| For every Writ, in the Nature of an <i>ad quod Damnum</i> , to be paid upon issuing such Writ, | 5 | 0 |
| For Recording the same, with the Inquisition thereon, to be paid before the Inquisition is recorded, | 11 | 6 |
| For a Copy of such Writ, and Inquisition, to be paid down, | 5 | 0 |

Pounds of Tobacco.

| | |
|--|-----|
| † Pa. 17. † For a Copy of a Double Patent, | 45 |
| For a Copy of any other Patent, | 30 |
| For the Probation of any Testament and Recording the same; for Entering the Order or Orders for Appraising the Estate, Recording the Inventory, Writing and Sealing the Probat, or any other Matter concerning the same: Or for a Commission of Administration of the Goods of any Person dying Intestate; for Entering the Order or Orders for Appraising the Estate, Recording the Inventory, or for any other Matter concerning the same, where the Appraisement doth not amount to above Fifty Pounds, | 250 |
| And where the Appraisement exceeds that Value, or there is no Appraisement, | 350 |
| For a Copy of a Probat, or Commission of Administration, | 40 |
| For Recording the Certificate of a Probat, or Administration, | 40 |
| For a Copy of a Will, or Inventory, | 40 |
| And if the Will, or Inventory, is not contained in One Sheet, for every Sheet more, | 30 |
| For every Hue and Cry, signed by the Governor, | 30 |
| For a Copy of an Act of Assembly, | 40 |
| For a Copy of an Account, | 20 |
| | For |

Pounds of Tobacco. *Ann. 1736*

Cap. 8.

Pag. 17.

App. II.

| | |
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| For Recording a Deed or Deeds, for the Conveying or Settling any Lands or Tenements only, or together, with Slaves and Personal Estate, or any Way concerning the same, acknowledged or proved in the General Court, | 150 |
| For a Copy of such Deed or Deeds, with the Indorsements thereon; and for a Certificate of the Acknowledgment or Proof, and Recording, | 90 |
| For issuing a Commission to take the Acknowledgment and privy Examination of a Feme Covert; and Recording it, with the Return of the Commissioners, | 50 |
| For a Copy thereof, | 30 |
| For Recording a Deed concerning Slaves, or any Personal Matter only, | 70 |
| For a Copy thereof, with the Certificate of the Acknowledgment or Proof, and Recording, | 40 |
| For Recording a Letter of Attorney, acknowledged or proved in the General Court, and every thing relating to it, | 70 |
| For a Copy thereof, | 40 |
| For Recording a Bond with Condition, other than for Performance of Covenants, in Deeds of Conveiance, or Settlement of Land, | 40 |
| For a Copy of a Bond, with Condition, | 20 |
| For Recording a Certificate of Rights, | 15 |
| In Actions, and other Suits, | |
| For every <i>Dedimus Potestatem</i> , Writ of Error, <i>Supersedeas</i> , or <i>Scire facias</i> , | 25 |
| For taking Bond, on issuing a <i>Supersedeas</i> , or Writ of Error, | 25 |
| For every other Writ, in any Action or Suit whatsoever, | 20 |
| For Entering the Sheriff's Return, and Entering the Bail by him returned, in the Rule Book, | 20 |
| For Entering Special Bail, | 20 |
| For Entering the Personal Appearance of the Plaintiff or Defendant; or the Appearance of an Attorney for either Party, | 10 |
| For Entering Security for Costs, for Persons out of the Country, | 20 |
| For Filing a Declaration, and every Plea or Demurrer, in any Cause, to the making up of the Issue; and for Filing Errors upon Appeals, Writs of Error, or <i>Supersedeas</i> , | 20 |

Ann. 1736

| | Pounds of Tobacco. |
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| Cap. 8. For a Copy of every Declaration, Plea, or De- | 20 |
| murder; or of Errors, | |
| Par. 17. For every Rule entered in the Rule Book, | 20 |
| † Par. 18. † For a Copy of every Rule, | 10 |
| App. II. For every Order made in Court before Trial, | 10 |
| For a Copy of the same, | 10 |
| For Filing the Papers of each Party in any Action | 15 |
| or Suit, | |
| For Docketing every Cause on the Court Docket, | 10 |
| For every Trial, Swearing the Jury and Witnes- | 50 |
| ses; and Recording a General Verdict, | |
| For Administring an Oath, or Affirmation, in | 10 |
| Court, except Witnesses to a Jury, | |
| For every Trial, where there is a Special Verdict; | 75 |
| Swearing the Jury and Witnesses; and Record- | |
| ing such Verdict, | |
| And where there is no Jury, but a Case agreed, | 25 |
| For Swearing Witnesses for each Party in every | 15 |
| Cause where there is no Jury, | |
| For a Copy of a Case agreed, or Notes of a Spe- | 25 |
| cial Verdict, | |
| For Entering every Order made in Court, after | 10 |
| Verdict or Demurrer joined, | |
| For Entering every Continuance on the Court Docket, | 10 |
| For Entering every Judgment, | 10 |
| For Recording the Report of Auditors, when it is | 40 |
| desired, | |
| For Making a complete Record in every Cause, in- | 1 |
| serting a Case agreed, or Special Verdict at large, | |
| from the Notes; and all Deeds and other Evi- | 15 |
| dences at large, for every Twenty Words, | |
| For a Copy thereof, or any Part thereof, the same. | |
| For Filing Bill, Answer, Replication, or other | 15 |
| Pleadings in Chancery, each, | |
| For a Copy thereof, for every Twenty Words, | 1 |
| For Entering every Decree, | 10 |
| For Drawing up every Decree at large; Entering | 1 |
| the Substance of the Bill, Answer, and other | |
| Pleadings; the Substance of the Evidence, and | 15 |
| the Decree thereupon, for every Twenty Words, | |
| For Filing the Depositions in every Cause, in Be- | 15 |
| half of each Party, | |
| For a Copy of the Depositions, for every Twenty | 1 |
| Words, | |
| For a Recognisance in Court, | 20 |
| | For |

| | Pounds of Tobacco. | Ann. 1736 |
|--|--------------------|----------------------|
| For Entering an Appeal to <i>England</i> , and taking Bond, | 50 | Cap. 8. |
| For Filing the Record upon an Appeal, Writ of Error, or <i>Superfedeas</i> , from a County Court, or any Inferior Court, | 15 | Pag. 18.
App. II. |
| For a Copy of such Record, for every Twenty Words, | 1 | |
| For Filing the Return of a <i>Certiorari</i> , or <i>Habeas Corpus</i> , | 15 | |
| For Taxing the Costs in any Action or Suit, and a Copy thereof, | 20 | |
| For every Petition for lapsed Land; for Writing it, and Issuing a Summons thereon, | 50 | |
| For every Order thereon, | 15 | |
| For Recording any Thing not herein particularly mentioned; or for a Copy thereof, for every Twenty Words, | 1 | |
| For a Search for any Thing of above a Year's standing, and Reading the same, or any Part thereof, if desired, | 10 | |
| For every Order to a Witness for Attendance, to be charged to the Party against whom such Order goes, | 10 | |

III. The several Fees before-mentioned, shall be charged to the Party at whole Instance the Business shall be performed, except where it is otherwise directed. And the Fees hereafter-mentioned, allowed to the Secretary, shall be charged to the several Counties respectively, for whose Service the Business shall be performed, and shall, by the Justices, be levied on the Inhabitants thereof: That is to say,

| | | |
|--|-----|------------|
| † For a Commission of the Peace, and <i>Dedimus</i> to administer the Oaths, and Recording the same, | 160 | + Pag. 19. |
| For a Commission of Oyer and Terminer, and <i>Dedimus</i> , to administer the Oaths, to be repaid the County, by the Public, | 100 | |
| For a Writ for Election of Burgeses, | 350 | |
| For Filing an Inquisition on View of a dead Body, and Recording the same; which shall be repaid the County out of the Estate of the Deceased, if the same be sufficient, | 50 | |

IV. *To the County Court Clerks.*

| | | |
|---|-----|-----|
| For Recording Deeds of Lease and Release, for Conveying and Settling Lands only, or together with Slaves and Personal Estate; Bond to perform Covenants; Certificates of the Proof or Acknowledgment, as the Case is, and all Matters relating thereto, | 150 | For |
|---|-----|-----|

Ann. 1736

Cap. 8.

Pag. 19.

App. 11.

Pounds of Tobacco.

| | |
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| For a Copy thereof, | 55 |
| For Recording every Deed of Feoffment, or Bargain and Sale, or other single Deed, for Conveying or Settling Lands and Tenements only, or together with Slaves and Personal Estate; Bond to perform Covenants, Certificate of the Proof or Acknowledgment, as the Case is, and all Matters relating thereto, | 100 |
| For a Copy thereof, | 40 |
| For Issuing and Recording a Commission, to take the Acknowledgment, and privy Examination of a Feme Covert, with the Certificate of the Commissioners, if such Commission be required, | 40 |
| For a Copy thereof, | 20 |
| For Recording a Patent, | 50 |
| For a Copy thereof, | 25 |
| For Recording a Deed for Land from the Proprietors of the <i>Northern Neck</i> , | 40 |
| For Recording a Deed concerning Slaves, or any Personal Matter or Thing only, with the Certificate of its Proof or Acknowledgment, | 40 |
| For a Copy thereof, | 30 |
| For Recording a Letter of Attorney, | 30 |
| For a Certificate of the Proof or Acknowledgment thereof, | 10 |
| For a Copy of a Letter of Attorney, with such Certificate, | 25 |
| For Recording a Bond, with Condition, other than for the Performance of Covenants, in Deeds of Conveyance or Settlement of Land, | 20 |
| For a Copy of a Bond, with Condition, other than an Appeal Bond, the same, | |
| For a Copy of any other Obligation or Promisory Note, | 10 |
| For the Probation of any Will or Testament, and Recording it; Entering the Order or Orders for Appraising the Estate; Recording the Inventory; and for any other Matter concerning the same: Or for a Commission of Administration of the Goods of any Person dying Intestate; for Entering the Order or Orders for Appraisement; Recording the Inventory; and for any other Matter concerning the same, where the Appraisement doth not amount to above Ten Pounds, | 50 |

Where

| | Pounds of Tobacco. | Ann. 1736 |
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| Where the Appraisement exceeds that Value, and }
is under One Hundred Pounds, | 150 | Cap. 8.
Pag. 19. |
| And where it shall exceed One Hundred Pounds, }
or there shall be no Appraisement returned }
within Twelve Months, | 200 | App. II. |
| For a Copy of a Will, or Inventory, if contained }
in One Sheet, | 30 | |
| If more than One Sheet, Twenty Pounds of Tobacco for
every Sheet, besides the first. | | |
| For a Copy of an Act of Assembly, | 40 | |
| * For Recording the Age of a Servant or Slave,
adjudged in Court, - - - - - | 10 | *Pag. 20. |
| For a Certificate thereof, if required, | 8 | |
| For a Certificate of the Departure of any Person
out of the Country, - - - - - | 15 | |
| For Attending a Court for Examination of Crimi-
nals, and Trial of Slaves; to be paid by the
County, and repaid by the Public, - - - - - | 200 | |
| For a Copy of a List of Tithables taken by a Jus-
tice in his Precinct, - - - - - | 20 | |
| For an Ordinary Licence, and Bond, | 50 | |
| For a Copy of the Rates of Liquors, | 15 | |
| For a Marriage Licence, Certificate, and Bond, | 50 | |
| For Proving Rights for Land produced at one
Time, and belonging to one Person, and Certi-
ficate thereof, - - - - - | 15 | |
| For every Search for any Thing, if a Copy be not
required, - - - - - | 5 | |
| In Actions, and other Suits, | | |
| For every Writ, other than such as are herein
after particularly mentioned, - - - - - | 10 | |
| For a Copy of any such Writ, | 5 | |
| For every Writ of Execution, or <i>Scire facias</i> , | 15 | |
| For a Copy thereof, | 8 | |
| For Recording the Return thereof, | 8 | |
| For a Writ of Attachment in any Action, | 15 | |
| For Recording the Return thereof, | 15 | |
| For an Attachment granted by a Justice of the
Peace, returnable to Court; and Recording
the Return, and putting the same upon the
Docket, } | 20 | |
| For Filing every Bail Bond, or Entering the Bail
returned, - - - - - | 10 | |
| For Docketing every Cause, except by Petition, | 5 | |
| For a Copy of the Return of any Writ, | 3 | |
| | For | |

| | | Pounds of Tobacco. |
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| Ann. 1736 | | |
| Cap. 8. | For Entering Special Bail, | 10 |
| Pag. 20. | For Entering Security for Costs, for Persons out of | |
| App. II. | the Country, - - - - - | 10 |
| | For Entering the Appearance of the Defendant or | |
| | Defendants, in any Suit, except by Petition, - | 5 |
| | For Entering an Attorney for each Party, | 5 |
| | For every Petition, Declaration, or other Plead- | |
| | ings, except in Suits by Petition, for Debt, De- | |
| | tinue, <i>Assumpsit</i> , or Trover, whether wrote by | 10 |
| | the Clerk, or not, | |
| | For a Copy of any Declaration, Special Plead- | |
| | ing, or Demurrer, | 10 |
| | For a Copy of a Plea, if the General Issue, | 3 |
| | For every Trial; Swearing the Jury and Witnes- | |
| | ses; Filing all Papers; and Recording a Ge- | 40 |
| | neral Verdict, | |
| | For every Trial, where there is a Special Verdict, | |
| | or Case agreed; and Recording the same, | 65 |
| | For Swearing Witnesses in every other Cause, | |
| | where there is no Jury, or Case agreed, except | 10 |
| | by Petition, | |
| | For Filing the Papers of each Party, in every | |
| | Cause, except by Petition, and where there is | 10 |
| | a Jury, or Case agreed, | |
| | For a Copy of a Special Verdict, or Case agreed, | |
| | and every Thing therein set forth; or for Ma- | |
| | king up a full and complete Record, for every | 1 |
| | Thirty Words, | |
| | For Entering every Judgment, or for a Copy thereof, | 10 |
| | For Filing Bill, Answer, Replication, and other | |
| | Pleadings in Chancery, for each, | 10 |
| | For a Copy thereof, for every Thirty Words, | 1 |
| | For a Commission to examine Witnesses, | 25 |
| | For Attending and Writing the Depositions taken | |
| | thereon, if required, | 100 |
| | The same for Attending, and Writing Depositions, taken | |
| | against Inspectors, before Justices of the Peace. | |
| † Pa. 21. | † For Entering every Decree in Chancery, | 15 |
| | For Filing the Depositions in any Suit, for each Party, | 10 |
| | For every Deposition taken in Court, | 10 |
| | For a Copy of a Deposition, | 10 |
| | For Administring an Oath in Court, not relating | |
| | to the Trial of any Cause there depending, and | 10 |
| | Certifying the same, | |
| | For every Recognisance in Court, | 10 |
| | For | |

| | Pounds of Tobacco. | Ann. 1736 |
|--|--------------------|-----------|
| For Entering the Order or Orders in any Cause, in }
one Court, | 15 | Cap. 8. |
| And for Entering every Order for Witnesses Attendance, | 10 | App. II. |
| For a Copy of any Order, | 10 | |
| For Recording the Report of a Jury in the Coun- }
try, Surveior, Auditors, or Viewers, | 20 | |
| For a Copy thereof, | 20 | |
| For Taxing a Bill of Costs, and Copy thereof, | 11 | |
| For a Copy of an Account, | 10 | |
| For Entering an Appeal, and taking Bond to pro-
secute it, - - - - - | 25 | |
| For a Copy of the Bond, | 10 | |
| For Returning an Appeal, and Security, to the
Secretary's Office, - - - - - | 30 | |
| For a Copy of the Proceedings of the Cause, }
wherein the Appeal is granted, for every Thir-
ty Words, | 1 | |
| For Recording the Acknowledgment of Satisfac-
tion of a Judgment, - - - - - | 10 | |
| For Entering each Order for a Witness's Atten-
dance; to be charg'd to the Party in whose Be-
half such Witness is summoned, and taxed in
the Bill of Costs, if such Party recover, } | 10 | |
| For a Copy thereof; to be charged and taxed in
like Manner, - - - - - | 10 | |
| For an Attachment thereon; to be charged to the
Party against whom such Attachment shall be
issued, } | 10 | |
| For the whole Fee chargeable for every Petition
for Debt, Detinue, <i>Assumpsit</i> , or Trover, and all
the Proceedings thereon, including a Copy of
the Judgment, and Taxing Costs, if required;
except the respective Fees, for Summoning Wit-
nesses, Entering Attornies, for every Order of
Continuance, and for Issuing Execution, where
any of these Matters happen, } | 50 | |
| For Entering an Attorney in such Petitions, to be
paid by the Party by whom such Attorney is
employed, and not taxed in the Bill of Costs, } | 5 | |
| For Recording any thing not herein particularly
mentioned, or for a Copy thereof, for every
Thirty Words, } | 1 | |
| For Reading any Order or Record, Half the Fee as for
a Copy thereof. | | |

And

Ann. 1736 And if any Plaintiff, or Defendant, or his Attorney,
Cap. 8. shall take out Copies of his own Declarations, or
Pag. 21. Pleadings, or of his own Papers, in any Cause; or of
App. II. any common Order made in such Cause; such Copies
 shall not be taxed in any Bill of Costs: And where more
 Attornies than One, shall be employed on one Side, if
 such Attornies take out more than One Copy of any
 Thing necessarily relating to the Suit, yet no more than
 One Copy shall be taxed in any Bill of Costs, tho' the
 adverse Party is condemned to pay Costs.

Pounds of Tobacco.

For all Public Services of the Clerk, viz. Entering
 and Issuing Copies of Orders for appointing
 Surveiors of the Highways, Constables, Grand
 Juries, Taking the List of Tithables, Attend-
 ing Orphans Courts, Entering Guardians Ac-
 counts, and all Matters relating thereto, Bind-
 ing out poor Orphans, and appointing them
 Guardians; Entering the Levy, and Copies > 12c
 thereof, and of the Lists of Tithables for the
 Collectors; and for Entering and Issuing the Or-
 ders for Recommending Sherifs, and Justices,
 and for Proceffioning; and other Public Servi-
 ces, for which no particular Fee is to be allow-
 ed; to be levied Annually, by the Justices, on
 the County, besides Cask,

* *Pa.* 22. * V. No Fees herein before-mentioned, shall be payable
App. II. by any Person, until there shall be produced, or ready
 to be produced, to such Person charged with the same,
 a Bill, or Account in Writing, sign'd by the Clerk or
 Officer, in which shall be expressed in Words at Length,
 and in the same Manner as the Fees aforesaid are al-
 lowed by this Act, every Fee, for which any Money,
 or Tobacco is demanded.

VI. *To the Sheriff.*

| | |
|--|-----|
| For an Arrest, Bond, and Return, | 30 |
| For Returning a <i>Capias</i> , <i>Non est inventus</i> , | 10 |
| For Serving any Person with an Order of Court,
and making Return thereof, * - - - - | 15 |
| For Pillorying any Person, | 20 |
| For Putting into the Stocks, | 10 |
| For Ducking any Person, | 20 |
| For Putting into Prison, and Releasement, | 20 |
| For Serving a <i>Subpœna</i> in Chancery, and Copy, | 15 |
| For Serving a Summons, upon a Petition for Debt,
Detinue, <i>Assumpsit</i> , or Trover, - - - - | 15 |
| | For |

| | Pounds of Tobacco. | Ann. 1736 |
|--|--------------------|-----------|
| For Serving a <i>Subpoena</i> for a Witness, in any Cause }
in Court, except summoned in Court, | 10 | Cap. 8. |
| For Summoning an Appraiser, Auditor, Viewer, }
or Witness, to any Deed, Will, or Writing, if }
required to be summoned, but not else, | 10 | Par. 22. |
| For Summoning and Impannelling a Jury, in eve- }
ry Cause wherein a Jury shall be sworn, | 50 | App. 11. |
| For Going to <i>Williamsburg</i> , for a Commission of }
Oyer and Terminer, for every Mile, besides }
Ferriages; to be paid by the County, and re- }
paid by the Public, | 2 | |
| The same for Returning, | | |
| For Coming to and Attending the General Court, with
the <i>Venire</i> and Return of the <i>Venire facias</i> , the same
as is allowed to a <i>Venire</i> Man; to be paid by the
Public, | | |
| For Summoning and Attending a Court of Oyer }
and Terminer, or for the Examination of a }
Criminal; to be paid by the County, and re- }
paid by the Public, | 200 | |
| For Executing each condemned Person, and all Fees }
incident; to be paid and repaid, as aforesaid, | 250 | |
| For Summoning a Jury, upon any Inquisition, Sur- }
vey, Writ of Dower or Partition, if the Jury appear, } | 150 | |
| For Making a Return of a Writ of Dower, Parti- }
tion, or in the Nature of an <i>ad quod Damnum</i> , | 50 | |
| For every Day's Attendance upon a Jury in the }
Country, after they are sworn, | 50 | |
| For Serving a Writ of <i>Habere facias Seisinam</i> , or }
<i>Habere facias Possessionem</i> , | 50 | |
| For Serving an Attachment upon the Body, | 50 | |
| For Serving a Declaration in Ejectment, if against }
one Tenant only, | 50 | |
| But if against several Tenants, for each Tenant, | 15 | |
| For Whipping a Servant, to be paid by the Own- }
er, and repaid by such Servant, | 20 | |
| For Whipping a free Person, by Order of Court; to be
paid by such Person, the same, | | |
| * For Serving an Execution, for any Debt due in Tobac- *
co, Five <i>per Cent.</i> for the first Thousand Pounds, and
Two <i>per Cent.</i> for all above One Thousand Pounds:
If due in Money, Five <i>per Cent.</i> for the first Hundred
Pounds, and Two <i>per Cent.</i> for all above One Hun-
dred Pounds. | | Page. 23. |

Ann. 1736

Cap. 8

Pas. 23.

App. II.

Pounds of Tobacco.

For Serving an Attachment upon the Goods ; if
told, the same Fees as for Serving an Execu- } 30
tion ; if not told,

For Serving and Returning a General Court Writ,
Summons, or Order, where the same is not } 30
comprehended in any of the foregoing Articles,

For Selling a Servant at Public Outcry, by Order } 20
of Court, and all Fees incident,

For Making Proclamation, as the Law directs, in } 20
proving of Wills, or proceeding to Outlawry,

For Keeping and Providing for a Debtor in Goal, } 10
each Day,

For Keeping and Providing for a Runaway or Cri- } 5
minal in Goal, each Day ; to be paid by the
County, and repaid by the Public,

For Serving a Justice's Warrant, 10

For Summoning a Witness before a Justice, 5

For all Public Services, *to wit*, For Attending the
Orphan's Courts, Courts of Claims and Grievances,
Impanneling Grand Juries, Publishing Writs for Election of
Burgesses, and Attendance ; 1000
Serving all Public Orders of Court, and all other
Public and County Service ; to be levied annual-
ly by the Justices of the County, besides Cask, }
VII. *To the Coroner.*

For Taking an Inquisition on a dead Body ; to be
paid out of the deceased's Estate, if the same } 133
be sufficient ; if not, by the County,

But all other Business done by him, the same Fees as
are allowed to the Sheriff, for the like Services,
VIII. *To the Constable.*

For Serving a Warrant, 10

For Summoning a Witness, 5

For Summoning a Coroner's Jury, and Witnesses, 50

For Putting into the Stocks, 10

For Whipping a Servant ; to be paid by the Own- } 10
er, and repaid by the Servant,

For Serving an Execution, or Attachment, return- } 10
able before a Justice,

IX. *To the Surveior.*

For every Survey by him made, plainly bounded as
the Law directs ; and for a Plat of such Survey, } 500
after such Plat delivered, where the Survey shall
not exceed One Thousand Acres of Land,

And for every Hundred Acres contained in one } 30
Survey, over and above the first Thousand,

For

Pounds of Tobacco. *Ann 1736*

20 *Cap. 8.*

Pag. 23.

App. II.

For Surveying a Lot in any Town,
And where the Surveior shall be stopped or hindered from Finishing a Survey by him begun, to be paid by the Party by whom such Survey was required to be made, } 250

For every Survey of Lands formerly patented, and which shall be required to be re-survey'd; and for a Plat thereof delivered, as aforesaid, the same Fee as for Land not before survey'd.

And where a Survey shall be made of any Lands, which are to be added to other Lands, in an inclusive Patent, the Surveior shall not be paid a second Fee for the Land first surveyed; but shall only receive what the Survey of the additional Lands amount to: And where any Surveior † shall have actually made Surveys of several Parcels of Land adjoining, and delivered several Plats; if the Party should desire one inclusive Plat thereof, the Surveior shall make it out for Ten Shiillings. † *Pa. 24.*

X. The Clerk of the Secretary's Office shall cause to be set up in some Public Place of the said Office, and there constantly kept, a fair Copy of the Secretary's Fees herein before-mentioned; on Pain of forfeiting Two Thousand Pounds of Tobacco, for every General Court Day the said Copy shall be missing thro' his Neglect. And the Clerk of every County Court, shall, in like Manner, set up a fair Copy of all the other Fees, herein before-mentioned, in the Court-house of his County, to be there constantly kept; on Pain of forfeiting One Thousand Pounds of Tobacco, for every Court Day the same shall be missing thro' his Neglect: Both the said Penalties, to the Person who shall sue for the same; to be recovered in any Court of Record, by Action of Debt, or Information.

XI. If any Officer hath heretofore taken any greater Fee than was by the Laws then in Force allowed, or shall demand or take any more or greater Fees, for any Thing within the Purview of this Act; or shall charge or demand, and take any of said Fees, where the Business shall not have been actually performed, to be proved by such Officer's Fee Book, upon his Corporal Oath, he shall forfeit to the Party injured, besides such Fee or Fees, Two Hundred Pounds of Tobacco, for every particular Article or Fee, so unjustly charged, demanded, or taken, and Costs, by Action of Debt, or Information, in any Court of Record: *Provided*, The same be sued for within Twelve Months after the Offence committed.

Ann. 1736
Cap. 8.
Pag. 24.
App. II.

XII. *Provided*, None of the said Officers demanding and taking the Fees allowed by the last Fee Bill, (8 Geo. 2. cap. 10.) at any Time before the Publication of this Act, (for which Two Months after its Passing is allowed,) shall be liable to the said Penalty.

XIII. The Clerk of the Secretary's Office, and of every County Court, and every Surveior, shall, Yearly, before the Twentieth Day of *December*, deliver, or cause to be delivered, to the Sheriff of every County, respectively, the Accounts of all Fees due from any Persons residing therein, sign'd by the said Clerk, or Surveior, respectively: Which Accounts the Sheriffs shall receive, and collect, and levy the several Quantities of Tobacco therein charged of the several Persons chargeable with the same. And if any such Person, after the said Fees shall be demanded, refuses or delays to pay the same, 'til after the Tenth Day of *April*, the Sheriff of that County where such Person dwells, or of the County where such Fees became due, shall make Distrets upon such Person's Slaves, Goods, or Chattels, in either of the said Counties, respectively: † But no Action, Suit, Petition, or Justice's Warrant, shall be maintainable for any such Fees, unless the Sheriff returns, That such Person hath not sufficient within his Bailiwick whereon to make Distress; except where the Officer hath lost his Fee Book by Fire, or other Misfortune, so that he be hindered from putting his Fees into the Sheriff's Hands to collect; in which Case, any Suit, or Warrant, may be maintained for Recovery thereof. And any Sheriff sued for any Thing done in Pursuance of this Act, may plead the General Issue, and give this Act in Evidence.

† Pag. 25.

XIV. The Sheriff of every County, shall, on or before the Last Day of *May*, Yearly, account with the Secretary, or his Agent, the County Court Clerks, and Surveiors, respectively, for all Fees put into his Hands, pursuant to this Act, and pay the same, abating Six *per Cent.* for Collecting. And the Secretary shall appoint an Agent in every County, to receive the Sheriff's Account, and all Tobacco due to him.

XV. And if any Sheriff shall refuse to account, or pay the whole Account of Fees, put into his Hands, after the Deduction aforesaid, with an Allowance for such Persons as do not dwell, or have no visible Estate, in his County; the Secretary, Clerk, or Surveior, upon a Motion made in the next succeeding General Court, or in the Court of the County of such Sheriff, may demand Judgment against him for all the Fees wherewith he shall be chargeable

chargeable by Virtue of this Act; and such Court, respectively, shall enter up Judgment accordingly, and award Execution thereupon. *Provided*, The Sheriff have Ten Days Notice of such Motion. Ann. 1736
Cap. 8.
Pag. 25.
App. 16

XVI. The County Courts, in every Cause, (except in Petitions,) where the Plaintiff shall recover, or be nonsuited, or where his Suit shall be dismissed, shall allow, in the Bill of Costs, Fifteen Shillings, or One Hundred and Fifty Pounds of Tobacco, for an Attorney's Fee, (if the Party employed One,) except against Executors, or Administrators, and where the Plaintiff may not recover more Cost than Damage.

XVII. This Act shall be Public, and commence *October 4* next, and remain in Force, from the Commencement of it, for Two Years, and thence to the End of the next Session.

F E R R I E S.

§ I. 4 *Ann.* **F**erries shall be constantly kept at the Places, and Rates hereafter mentioned. Ann. 1705
Cap. 53.
Pag. 233.
cap. 53. On *James River*.

| | The Price | | | |
|--|-------------------|---------------------|--|--|
| | for a Man | for a Man and Horse | | |
| | s. d. | s. d. | | |
| In <i>Henrico</i> County, at <i>Variana</i> , | 0 3 $\frac{3}{4}$ | 0 7 $\frac{1}{2}$ | | |
| At <i>Bermuda</i> Hundred, | 0 6 | 1 | | |
| In <i>Charles City</i> County, at <i>Westover</i> , | 0 7 $\frac{1}{2}$ | 1 3 | | |
| In <i>Appamatock</i> River, near <i>Byrd's</i> Store, } | 0 3 $\frac{3}{4}$ | 0 7 $\frac{1}{2}$ | | |
| In <i>Prince George</i> County, at <i>Cogan's</i> Point, and <i>Maycock's</i> , } | 0 7 $\frac{1}{2}$ | 1 3 | | |
| From <i>Powhatan</i> Town to <i>Swineherd's</i> , } | 0 7 $\frac{1}{2}$ | 1 3 | | |
| From <i>Sicamore</i> Landing at <i>Windmil</i> Point, to the <i>Wid. Jones's</i> , } | 0 7 $\frac{1}{2}$ | 1 3 | | |
| at <i>Wyanoke</i> , | | | | |
| From <i>Hog-Island</i> to <i>Archer's</i> Hope, | 1 3 | 2 6 | | |
| From <i>Upper Chipoke's</i> Creek to the Row, or <i>Martin Brandon</i> , } | 0 6 | 1 | | |
| * From <i>Swan's</i> Point to <i>James</i> Town, } | 0 7 $\frac{1}{2}$ | 1 3 | | |
| * From <i>Crouche's</i> Creek to <i>James</i> Town, } | 1 0 | 2 | | |
| At <i>Williamsburg</i> , from <i>Princess Anne</i> Port to <i>Hog-Island</i> , } | 2 6 | 4 | | |

Ann. 1705
Cap. 53.
Pag. 233.

The Price
for a Man | for a Man
and Horſe

| | s. | d. | s. | d. |
|---|----|-------------------------------|----|--------------------------------|
| At <i>Chicahominy</i> , at the uſual Place, | 0 | 6 | 1 | |
| † Pa. 234. † From <i>John Goodale's</i> to <i>Williams's</i> , or <i>Drummond's Neck</i> , | 0 | 3 ³ / ₄ | 0 | 7 ¹ / ₂ |
| In <i>Nanſemond County</i> , from <i>Coiſfield's Point</i> to <i>Robert Peale's</i> , | 0 | 6 | 1 | |
| near <i>Sleepy Hole</i> , | | | | |
| In <i>Elizabeth City County</i> , from <i>Hampton Town Point</i> to <i>Brokes's Point</i> , | 0 | 3 | 0 | 6 |
| From <i>Hampton Town</i> to <i>Sewel's Point</i> , | 3 | 0 | 6 | |
| In <i>Norfolk County</i> , from <i>Norfolk Town</i> to <i>Sawyer's Point</i> , or <i>Lover's Plantation</i> , | 0 | 6 | 1 | |
| Upon <i>York River</i> . | | | | |
| * In <i>New-Kent</i> , from <i>Peaſeley's</i> to <i>Williams's</i> , | 0 | 6 | 1 | 0 |
| * From the <i>Brick Houſe</i> to <i>West Point</i> , | 1 | 0 | 1 | 6 |
| * From the <i>Brick Houſe</i> to <i>Graves's</i> , | 1 | 0 | 1 | 10 ¹ / ₂ |
| In <i>King William County</i> , from <i>Spencer's</i> to the uſual Landing, | 0 | 6 | 1 | 0 |
| From <i>Cranſhaw's</i> to the uſual Landing, | 0 | 3 | 0 | 6 |
| From <i>Abbot's Landing</i> , over <i>Matapony River</i> , | 0 | 3 | 0 | 6 |
| * From <i>West Point</i> to <i>Graves's</i> , | 0 | 6 | 1 | 0 |
| * In <i>York County</i> , from <i>York Town</i> to <i>Tindal's Point</i> , | 0 | 7 ¹ / ₂ | 1 | 3 |
| From <i>Queen Mary's Port</i> at <i>Williamsburg</i> to <i>Claybank Creek</i> , in <i>Glouceſter County</i> , | 2 | 6 | | |
| † Pa. 235. † * From <i>Matthews's</i> to <i>Capahosack</i> , | 1 | 3 | 2 | 6 |
| From <i>Scimmino Creek</i> to <i>Matthews's</i> , | 1 | 3 | 2 | 6 |
| From <i>Bailey's</i> , over <i>Peankatank</i> , | 0 | 6 | 1 | 0 |
| From <i>Burford's</i> , to old <i>Talbot's</i> , | 0 | 6 | 1 | 0 |
| From <i>Walker's Mill Landing</i> , | 0 | 3 | 0 | 6 |
| In <i>Middleſex County</i> , over <i>Peankatank</i> , at <i>Turk's Ferry</i> , | 0 | 3 | 0 | 6 |

Or

On Rappahannock River.

Ann. 1705
Cap. 53.
Pag. 235.

| | The Price | | The Price | |
|--|-----------|----|---------------------|----|
| | for a Man | | for a Man and Horse | |
| | s. | d. | s. | d. |
| In <i>Middlesex</i> County, from <i>Shelton's</i> to <i>Wright's</i> , - - - - - | 2 | 0 | 4 | 0 |
| From <i>Brandon</i> to <i>Chowning's</i> Point, | 2 | 0 | 4 | 0 |
| * In <i>Essex</i> County, from <i>William Henry's</i> Land to <i>Pannel's</i> , - - | 0 | 6 | 1 | 0 |
| * From <i>Bowler's</i> to <i>Sucker's</i> Point, | 1 | 3 | 2 | 6 |
| From <i>Rappahannock</i> Town to <i>Pavies's</i> , or <i>Rappahannock</i> Creek, | 1 | 3 | 2 | 6 |
| From <i>Henry Long's</i> , over <i>Rappahannock</i> , - - - - - | 0 | 6 | 1 | 0 |
| † In <i>Stafford</i> County, from <i>Fitzhugh's</i> Landing to <i>Maryland</i> , - - | 2 | 6 | 5 | 0 |
| * From the Port of <i>Northampton</i> to the Port of <i>York</i> , - - - - - | 15 | 0 | 1 | 10 |

† Pa. 236.

II. The County Courts may appoint opposite Ferries, where none are appointed by this Act, and order and allow the Prices before directed.

III. The Court of each County, where any Ferry is appointed by this Act, may licence and appoint the Ferry-keeper, and direct what Boat or Boats and Hands shall be kept there; and on Neglect or Omission, may turn out that Ferry-keeper, and put another in his Place.

IV. *Provided*, The said Court, upon appointing any Person to keep Ferry, take Bond with one sufficient Surety, in the Sum of Twenty Pounds *Sterling*, payable to Her Majesty, for the constant and well keeping the same, with Boats and Hands, according to such Court's Directions; and for giving Passage without Delay to such Public Expresses, as by this Act are mentioned, to be Ferry free.

V. All the Men attending in the said Ferry Boats, shall be free of Public and County Levies, and from all other Public Services; as Musters, Constables, Clearing Highways, being impressed, and other Things of like Nature; and shall have a Licence without any Fee for any Matter relating thereto: And if the said Court finds it useful that

Note. By the Law, opposite Ferries are appointed to those marked *

Ann. 1705 an Ordinary be kept at such Ferry, such Ferry-keeper shall
Cap. 53. have a Licence to keep the same, without any other Fee,
Page 236. except Half the Fee allowed by Law to the Governor:
 And no other Person shall keep Ordinary within Five
 Miles of such Ferry, unless the Place of a County Court,
 or Land laid out for a Town, shall require it.

VI. *Provided*, Such Ferry-keeper so licensed to keep
 Ordinary, shall be liable to such like Bonds, Securities,
 and Penalties, as other Ordinary-keepers are liable to.

* *Ibid.*

* VII. Whoever shall set any Person, for Reward,
 over any of the Rivers whereon Ferries are appointed by
 this Act, (except Necessity of a Parish requires it for go-
 ing to Church,) shall forfeit, for every such Offence, Five
 Pounds Current Money: The Moiety to the nearest Fer-
 ryman to the Place where the Offence is committed; the
 other to the Informer; and if the Ferry-keeper be the In-
 former, he shall have the Whole: To be recovered, with
 Costs, by Action of Debt, Bill, Plaint, or Information,
 in any Court of Record; no *Essoin*, Protection, or Wa-
 ger of Law, to be allowed.

VIII. *Provided*, Any County Court may appoint a
 Ferry over any River or Creek within the County,
 where the same shall be thought convenient; and may
 agree with the Keeper of any Ferry appointed by this
 Act, to set over the Militia of the County on Muster
 Days; for which an Allowance shall be raised in the
 County Levy.

IX. *Provided*, No such Allowance shall be levied for
 any Ferry over a River or Creek to another County.

X. All Expresses sent by the Secretary, any of the
 Council, Sheriff of a County, Commander in Chief, Co-
 lonel, Lieutenant-Colonel, or Major in the Militia to the
 Governor; or sent by the Governor, or the Clerk of the
 Council, to any Person; or by any chief Militia Officer
 to the Governor, or chief Militia Officer of the next
 County, to give Intelligence of the Approach of an Ene-
 my; or which shall come from beyond Sea, directed to
 the Governor, shall be accounted Public Messages and
 Expresses, and be Ferry free, and within the Meaning of
 the Condition of the Bond afore-mentioned; (*See Sect. 4.*)
 in Case such Expresses be directed for Her Majesty's Ser-
 vice; and signed upon the Superscription by the Person or
 Persons sending the same.

XI. The Receiver-General shall pay, at the Seat of
 Government, out of the Revenue of Two Shillings *per*
 Hoghead, &c. such Public Messengers, Four Pence *per*
 Mile,

Mile, besides Five Shillings for every Day such Messenger shall be kept attending, by the Governor. *Ann. 1705 Cap. 53.*

† XII. *Provided*, Such Messenger brings with him from the Superscriber of the Expreis, a Certificate of the Name of the Messenger, and the Distance of the Miles sent, and has the Days Attendance certified by the Governor, or Clerk of the Council. *Pag. 236. † Pa. 237.*

XIII. Expresses sent by Water, shall be paid for, as aforesaid, after the Rate of Fifteen Pence *per* Day for the Boat, and Two Shillings *per* Day for each Man employed to go in her. This Act to continue Seven Years. *See Sect. 14.*

XIV. 12 *Ann. cap. 6.* The Act of 4 *Ann. cap. 53.* *Ann. 1713 Cap. 6.* is made Perpetual.

XV. 7 *Geo. 1. cap. 8.* Ferries shall be constantly kept at the following Places, for the Rates hereafter mentioned. *Pag. 293. Ann. 1720 Cap. 8.*

On *Pamunky* River:

The Prices

| | for a Horse | | for a Man | | for a Hogf. Tobacco. | |
|---|-------------|----|-----------|----|----------------------|----|
| | s. | d. | s. | d. | s. | d. |
| From <i>Rob. King's</i> over }
the said River, } | | 3 | | 3 | | |
| From <i>Sweet Hall</i> to }
the Mouth of <i>Tank's</i> }
<i>Queen Creek</i> , } | | 6 | | 6 | | |

On *Mattapony* River.

| | | | | | | |
|---------------------------------|--|---|--|---|--|---|
| From <i>Sam. Norment's</i> , } | | 3 | | 3 | | 6 |
| over the said River, } | | | | | | |
| From <i>William White's</i> , } | | 3 | | 3 | | 6 |
| over the said River, } | | | | | | |

On *Patowmack* River,

| | | | | | | |
|--|--|---|--|---|--|--|
| From <i>Col. Hoe's</i> to <i>Cedar</i> Point, in <i>Maryland</i> , } | | 2 | | 2 | | |
|--|--|---|--|---|--|--|

XVI. The Licences for keeping the said Ferries shall be obtained in such Manner, and the Keepers thereof, under such Regulations, Advantages, and Restrictions, as are mentioned in 4 *Anne, cap. 53.*

XVII. The Courts of the Counties where Ferries are or shall be established, may, at any Time, direct and appoint proper Boats to be kept at the said Ferries, for Transportation of Wheel-Carriages.

Ann. 1720 XVIII. Rates were settled for the Ferriage of Wheel-
Cap. 8. Carriages, but they are since altered, by 8 Geo. 2. cap. 18.
Pag. 315. See Sect. 29, 30.

Ann. 1722 XIX, 8 Geo. 1. cap. 8. Ferries shall be constantly kept
Cap. 8. at the Places, and Rates hereafter mentioned.

Pag. 329.

On York River.

| | The Price | | | |
|--|-----------|----|-------------|----|
| | for a Man | | for a Horse | |
| | s. | d. | s. | d. |
| From the lower Side of the Creek,
below Poplar Neck, to the Land
in the Tenure of Robert Porteus,
and from Dr. Green's Land to
the said Creek, | 1 | 3 | 1 | 3 |

On Rappahanock River.

| | | |
|---|---|---|
| From Germanna, over the Rappi-
dan, a Branch of Rappanock, | 3 | 3 |
| From Field's Plantation, in Spot-
sylvania, to Ludwell's Planta-
tion, in King George County, | 3 | 3 |
| From Ray's, over the River to
Skinner's, | 6 | 6 |

On Pamunkey River.

| | | |
|--|---|---|
| From George Dabney's Landing,
over the River, | 3 | 3 |
| From Mrs. Garland's, in Hanover,
to Mrs. Littlepage's Land, in
King William, | 3 | 3 |
| From David Anderson's, in King
William, to Peter Garland's, in
Hanover, | 3 | 3 |

* Pa. 330. * XX. The Licences for keeping the said Ferries, shall
be obtained in such Manner, and the Keepers thereof, un-
der such Regulations, Advantages, and Restrictions, as
are mentioned in 4 Anne, cap. 53.

XXI. The Courts of the Counties may direct proper
Boats to be kept for Wheel-Carriages, as in Sect. 17.

XXII. The Rates settled, altered, by 8 Geo. 2. cap. 18.
See Sect. 29, 30.

XXIII. 12 Geo. 1. cap. 8. Ferries shall be constantly
kept at the Places, and Rates hereafter mentioned.

Ferries.

83

On Rappahanock River.

Ann. 1726

Cap. 8.

Pag. 374.

The Price
for a Man for a Horse

s. d. s. d.

From Mrs. Johnson's, in Spotsylvania, to Harwood's, in King George,

3 $\frac{1}{4}$

3 $\frac{1}{4}$

From Taliaferro's Plantation, in Caroline, to Berry's, in King George,

3 $\frac{1}{4}$

3 $\frac{1}{4}$

From Pulliam's Land, in Hanover, over Northanna, to Holiday's, in King William County,

3

3

From Archer's Hope, in Henrico, over Appamatox, to Prince George County,

2

2

XXIV. The Licences to be obtained, and Boats for Wheel-Carriages, directed as in Sect. 16, and 17. and the Rates then settled, altered, as Sect. 18.

Ann. 1732

Cap. 14.

Pag. 498.

XXV. 5 & 6 Geo. 2. cap. 14. Ferries shall be constantly kept at the Places, and Rates hereafter mentioned.

On James River.

The Price
for a Man for a Horse

s. d. s. d.

From Bermuda Hundred Point, in Henrico, to the City Point, in Prince George,

1

1

From the City Point to the Ship Landing, in Charles City,

1

1

From Shirley Hundred, at the Ship Landing, to Bermuda Hundred Point,

6

6

From the said Ship Landing to the City Point,

1

1

From Cary's Land, called Warwick, in Henrico, to Bailey's Land,

3

3

From Woodson's Land, in Goochland, to the Manacon Town,

3

3

On Appomatox River.

From Batt's's, in Henrico, to Alexander Belling's, in Prince George,

3

3

On

Ann. 1732

Cap. 14.

Pag. 498.

On Nottoway River.

| The Price | | for a Horse | |
|-----------|----|-------------|----|
| for a Man | | | |
| s. | d. | s. | d. |

| | | | |
|---|---|--|---|
| From <i>Drew's</i> Land, in <i>Ile of</i> | | | |
| <i>Wight</i> County, to the Land of | 3 | | 3 |
| Doctor <i>Samuel Brown</i> , | | | |
| Over the River, at <i>Bolton's</i> Ferry, | 3 | | 3 |
| on <i>Simmons's</i> Land, | | | |

* Pa. 499.

* On Rappanock River.

| | | | |
|--|---|--|---|
| From <i>Stanton's</i> , over the River, in | | | |
| <i>Spotsylvania</i> , to <i>George Henry's</i> | 3 | | 3 |
| Landing, and backwards, | | | |
| At <i>Cavenaugh's</i> Ford, in <i>Spotsyl-</i> | 3 | | 3 |
| <i>vania</i> , | | | |
| From the Wharf above <i>Massapo-</i> | | | |
| <i>nax</i> , in <i>Spotsylvania</i> , to <i>Ball's</i> | 3 | | 3 |
| Land, in <i>King George</i> , | | | |

On Patowmack River,

| | | | |
|--|---|---|---|
| From the lower Side of <i>Quantico</i> | | | |
| Creek to Col. <i>Mason's</i> Landing, | 1 | 6 | 1 |
| in <i>Maryland</i> , | | | 6 |

XXVI. The Licences to be obtained, and Boats for Wheel-Carriages, directed, as in Sect. 16, & 17; and the Rates then settled, altered, as Sect. 18.

Anno 1734

Cap. 18.

Pag. 38.

App.

XXVII. 8 Geo. 2. cap. 18. Ferries shall be constantly kept at the Places, and Rates hereafter mentioned.

On Patowmack River.

| The Price | | for a Horse | |
|-----------|----|-------------|----|
| for a Man | | | |
| s. | d. | s. | d. |

| | | | |
|--|---|---|---|
| From <i>Lovell's</i> , in <i>Westmoreland</i> , to | | | |
| <i>Maryland</i> , | 2 | 6 | 2 |

On Rappahanock River.

| | | | |
|---|---|--|---|
| From the Warehouse Landing, in | | | |
| <i>Fredericksburg</i> , to <i>Thornton's</i> | 3 | | 3 |
| Land, | | | |
| From <i>Roy's</i> Warehouse Landing, | | | |
| in <i>Caroline</i> , to <i>Gibson's</i> Ware- | 4 | | 4 |
| house Landing, in <i>King George</i> , | | | |

XXVIII. The Licences for keeping the said Ferries, shall be obtained in such Manner, and the Keepers thereof, be under such Regulations, Advantages, and Restrictions, as are mentioned in 4 *Annæ*, cap. 53. See Sect. 3, &c.

XXIX. The

XXIX. The County Courts may, at any Time, direct proper Boats to be kept at the said Ferries, for Transportation of Wheel-Carriages, for which all Public Ferry-keepers shall be paid the following Rates, and no more; For every Coach, Chariot, or Waggon, and the Driver thereof, the same as for the Ferriage of Six Horses, at the respective Ferries settled by Law; for every Cart, or Four Wheel Chaise, and the Driver of such Chaise, the same as for the Ferriage of Four Horses; and for every Two Wheel Chaise, or Chair, the same as for the Ferriage of Two Horses. Ann. 1734
Cap. 18.
Pag. 38.
App.

* XXX. The Rates formerly set for the Ferriage of Wheel-Carriages, shall be altered and reduced, as in * Pa. 39.
App.
Sect. 29.

XXXI. A Ferry appointed by 8 Geo. 1. cap. 8. from Mrs. Fitzbugh's to the Lease Land Wharf, put down.

XXXII. The Courts of the Counties of
Caroline, } shall be re- } Second *Friday* }
Stafford, } spectively } Second *Tuesday* } in every
Hanover, } held on the } First *Thursday* } Month.

F R O N T I E R S.

§ I. 4 Ann. **N**O County on the Land Frontiers shall be hereafter divided, unless there shall be left in the Upper County, after the Division, at least Eight Hundred Tithable Persons; and unless the whole County, as it stood before the Division, be obliged equally to build, by Contribution, a decent Church, Court-house, and Prison, in such Frontier County, after the Form and Manner now generally used within this Colony. Ann. 1705
Cap. 17.
Pag. 154.

II. *Provided*, If the Upper Inhabitants of any Frontier County, shall seek the Division of themselves, they shall not then be entitled to any Privilege, by Virtue of this Act.

G A M I N G.

Section I. **A**LL Promises, Agreements, Notes, Bills, Bonds, Judgments, Mortgages, or other Securities, or Conveiances, entered into, or executed, by any Person, after the First of *April*, 1728, where the Whole, or any Part of the Consideration of such Promise, Agreement, &c. shall be for any Money, or other valuable Things won by Gaming, or Playing at Cards, Dice, Tables, Ann. 1727
Cap. 8.
Pag. 398.

Ann. 1727 *Tables, Tennis, Bowls, or other Game whatsoever; or by*
Cap. 8. Betting on the Sides or Hands of such as do game at any
Pag. 398. the Games aforesaid; or for repaying any Money know-
 ingly lent for such Gaming or Betting, or lent at the
 Time and Place of such Play, to any Person so gaming
 or betting, shall be utterly void.

* *Pa.* 399. * II. And where such Mortgages, Securities, or other
 Conveiances, shall be of Lands, Tenements, or Heredi-
 taments, or shall incumber or affect the same; such Mort-
 gages, &c. shall enure, and be to the sole Use of, and
 shall devolve upon such Persons as should be entitled to
 such Lands, &c. in Case the Person so incumbring the
 same, had been naturally dead; and as if such Mort-
 gages, &c. had been made to such Persons so to be en-
 titled after the Decease of the Person so incumbring the
 same. And all Grants or Conveiances to be made for
 preventing of such Lands, &c. from coming to, or de-
 volving upon, the Persons hereby intended to enjoy the
 same, as aforesaid, shall be deemed fraudulent and void.

III. Any Person who shall, at any Time or Sitting, af-
 ter 1st *April*, 1728, by playing or betting, as aforesaid,
 lose to any one or more Persons, so playing or betting, in
 the whole Sum of Ten Pounds Current Money, or the
 Value thereof, and shall pay or deliver the same or any
 Part thereof; the Person so losing, paying, or delivering
 the same, may, within Three Months then next, sue for,
 and recover the same, from the respective Winner or Win-
 ners, with Costs of Suit, by Action of Debt, founded on
 this Act, in any Court of Record; no *Essoin*, &c. and
 but One *Impar lance*. In which Actions, it shall be suf-
 ficient for the Plaintiff to alledge, That the Defendant or
 Defendants are indebted to the Plaintiff, or received to
 the Plaintiff's Use, the Monies so lost and paid, or con-
 verted the Goods won of the Plaintiff, to the Defen-
 dant's Use; whereby the Plaintiff's Action accrued to
 him according to the Form of this Act, without set-
 ting forth the special Matter. And in Case the Person
 who shall lose such Money, or other Thing, as aforesaid,
 shall not, within the Time aforesaid, *bona fide*, and
 without *Covin*, sue, and with Effect, prosecute for the
 same. Any Person by any such Action, or Suit, as
 aforesaid, may sue for, and recover the same, and treble the
 Value thereof, with Costs of Suit, against such Winners,
 as aforesaid: The one Moiety to the Use of the Persons
 suing for the same; the other to the Use of the Poor of
 the Parish where the Offence shall be committed.

IV. All

IV. All Persons, who, by this Act, may be liable to be sued, shall be obliged to answer, upon Oath, such Bill or Bills, as shall be preferred against them, for discovering the Sums of Money, or other Thing, so won at Play. Ann. 1727
Cap. 8.
Pag. 399.

* V. *Provided*, Upon the Discovery and Re-payment of the Money, or other Thing to won, the Person discovering, shall be acquitted from any further, or other Punishment, or Penalty, which he may have incurred, by playing for, or winning the same. * Pa. 400

VI. If any Person after 1st April, 1728, shall, by any Fraud or Shift, Cosenage, Circumvention, Deceit, unlawful Device, or ill Practice whatsoever, in playing at, or with Cards, Dice, or any the Games aforesaid; or by bearing a Share in the Stakes; or by betting on the Sides or Hands of such as play, win to himself, or to any other, any Sum of Money, or other valuable Thing: Every Person so winning by such ill Practice, and being thereof convicted, upon any Indictment or Information to be exhibited against him, shall forfeit Five Times the Value of the Sum of Money, or other Thing so won, as aforesaid, and shall be deemed infamous, and suffer such corporal Punishment, as in Cases of wilful Perjury: Such Penalty to be recovered by such Person as will sue for the same, by such Action, as aforesaid.

VII. Any Two Justices in any County, or City, may cause to be brought before them, every Person whom they shall have Cause to suspect to have no visible Estate, Profession, or Calling, to maintain himself by; but doth, for the most Part, support himself by Gaming. And if such Person does not make appear to such Justices, that the principal Part of his Expences is not maintained by Gaming, they shall require sufficient Sureties for his Good behaviour for Twelve Months: And, on Default of finding such, shall commit him to the common Goal, 'til he finds such Sureties, as aforesaid.

VIII. If such Person so finding Sureties, shall, during the Time for which he shall be bound to the Good-behaviour, at any one Time or Sitting, play or bett for any Money, or other Thing, exceeding the Value of Five Shillings Current Money, the same shall be deemed a Breach of his Behaviour; and a Forfeiture of the Recognisance given for the same.

* IX. If any Person shall assault or beat, challenge or provoke, to fight any other Person, on Account of any Money, or other Thing, won by Gaming, or Betting, at any of the Games aforesaid; on Conviction, he shall forfeit * Pa. 401.

Ann. 1727 *feit* to the Party grieved, Ten Pounds Current Money :
Cap. 8. To be recovered, by Action of Debt, in any Court of
Pag. 401. Record, with Costs ; no Effoin, &c. and but One Im-
 parlance : And shall, moreover, be liable to the Action
 of the Party grieved, at the Common Law.

G E N E R A L C O U R T.

Ann. 1705 § I. 4 *Ann.* *cap.* 19. *A*T some one certain Place, to be law-
Cap. 19. fully appointed, at the Times hereafter
Pag. 155. directed, shall be held One principal Court of Judicature
 for this Colony, by the Name of, *The General Court of*
Virginia ; which shall consist of the Governor, and
 Council : Any Five to be a *Quorum* ; who shall have
 Cognifance of all Suits and Controversies depending in the
 said Court.

II. Every Judge or Justice of such Court, before
 Enttring upon the said Office, shall take the Oaths ap-
 pointed by Parliament, and make and subscribe the Test.
 And any Person presuming to act in any Manner, any
 Thing whatsoever, properly belonging to the Office of a
 Judge or Justice of the said Court, before Taking
 the same Oaths, and subscribing the Test, shall, for
 every such Offence, be fined Five Hundred Pounds
Sterling ; One Moiety to the Queen, &c. towards Sup-
 port of Government, * and the other to the Informer.

III. *Provided*, If the said Oaths, Declaration, or
 any of them, be abrogated by the Parliament of *England*,
 or become otherwise void, the same shall be adjudged
 to be so in this Colony.

IV. The said Court shall have Cognifance of all Mat-
 ters Ecclesiastic or Civil, of what Nature soever, brought
 before them by Original Procefs, Appeal from any other
 Court, or by any other Means whatsoever.

V. *Provided*, No Original Procefs shall be sued by
 any Person for Trial of any Suit in the said Court, of
 less Value than Ten Pounds *Sterling*, or Two Thousand
 Pounds of Tobacco ; on Penalty of having such Suit
 dismiss'd, and the Plaintiff being nonsuited, and paying
 Costs.

VI. *Provided*, That the Justices of any County Court,
 or Vestry of any Parish, may be prosecuted for the Pe-
 nalty for Breach of any Penal Law, tho' of less Va-
 lue.

VII. The

VII. The said Court shall be held twice every Year ; *Ann. 1705*
One Court to begin on the Fifteenth of *April*, and the *Cap. 19.*
other on the Fifteenth of *October*, (if not *Sunday*,) and *Pag. 156.*
then on the *Monday* ; each to continue Eighteen Days,
Sundays exclusive.

VIII. *Provided*, If all Matters depending in the said Court be ended in less Time, the Justices may adjourn 'til the next succeeding Court.

IX. The said Judges at the Time of Entering into Office, shall take the following Oaths for the due Execution of their Office, under the Penalty before-mentioned, for not taking the Oaths appointed by Parliament ; to be recovered and divided in the same Manner.

† X. The Oath of a Judge of the General Court.

† *Pag. 157*

YOU shall swear, *That you will well and truly serve our Sovereign Lady the Queen, and her People, in the Office of a Judge or Justice of the General Court of Virginia ; and you shall not council nor assent to any Thing, the which might turn to the Hurt or Disinheriting of the Queen, by any Way or Colour ; and you shall do equal Law, and Execution of Right, to all the Queen's Subjects, rich and poor, without having Regard to any Person : You shall not take, by your self, or by any other Person, any Gift or Reward, of Gold, Silver, or any other Thing, (except Meat and Drink, and that but of small Value :) You shall not take any Fees, or other Gratuity of any Person, great or small, except such Salary as shall be by Law appointed : You shall not maintain, by your self, or any other, privily or openly, any Plea or Quarrel hanging in any of the Queen's Courts : You shall not delay any Person of common Right for the Letters of the Queen, Her Governor of this Country, or of any other Person, nor for any other Cause : And in Case any Letter come to you, contrary to the Law, you shall nothing do for such Letter, but you shall proceed to do the Law, the said Letters notwithstanding : And lastly, in all Things belonging to your said Office, during your Continuance therein, you shall faithfully, justly, and truly, according to the best of your Skill and Judgment, do equal and impartial Justice, without Fraud.*

So help you God.

Ann. 1705 XI. The Oath of a Judge of the General Court, in
Cap. 19 Chancery.

Pag. 157.

YOU shall swear, *That well and truly you will serve our Sovereign Lady the Queen, and her People, in the office of a Judge or Justice of the General Court of Virginia, in Chancery; and that you will do equal Right to all Manner of People, great and small, high and low, rich and poor, according to Equity, and good Conscience, and the Laws and Usages of this Colony and Dominion of Virginia, without Favour, Affection, or Partiality.*

So help you God.

XII. All Original Process by Writ, Summons, or otherwise, to bring any Person to answer; and all Executions, and Attachments, at Common Law, and all Manner of Process in Chancery, or in any Suit or Matter whatsoever, depending in the said Court, shall be issued from the Secretary's Office, and be sign'd by the Clerk of the said Court, and be returned to the Officer whence it is issued. *See Executions. Sect. 2. Judicial Proceedings. Sect. 7.*

* Pa. 155. XIII. If any Action or Suit, be commenced against any of the Council, instead of any Process, in like Case to be taken against any other Person, the Clerk of the said Court shall issue a Summons to the Sheriff of the County where * such Councilor resides; reciting the Matter charged against him, and summoning him to appear and answer the same, upon a certain Day of the General Court therein mentioned: And, on such Councilor's Failure to appear, the Court may issue an Attachment against his Estate; and there, after the Proceedings in such Case, shall be as upon *Non est inventus*, returned by the Sheriff, on any ordinary Process.

XIV. And upon any Action, or Suit, against the Sheriff of any County, a like Summons shall issue to the Coroner of such County; and thereupon the like Proceedings shall be had, as against a Councilor.

XV. Rules for issuing Writs, and other Process, alter'd by 1 Geo. 2. cap. 3. (*Judicial Proceedings. Sect. 7. to 64.*)

XVI. All Offenders for Treason, Felony, Piracy, Riots, Breach of the Peace, or other Crime, may be bound over to appear at the General Court, in like Manner, as might have or hath been practised according to the Laws of *England.*

XVII. All

XVII. All Proccs in Criminal Cases, shall be return-
ed to the Fourth Day of the General Court.

Ann. 1705

Cap. 19.

Pag. 158.

* Pa. 159.

* XVIII. In all Cases, where a certain Number of Days is appointed by this, or any other Act of Assembly, for issuing, executing, or returning, any Proccs, filing Declarations or Pleas, or for any other Matter; such Days shall be accounted by natural Days, exclusive of the Days of issuing, executing, and returning such Proccs; and in like Manner for all other Cases.

XIX. If any Sheriff shall return Bail by him taken upon executing any Proccs, in any Suit for the Defendant's Appearance, on Failure to appear, Judgment shall be given against such Bail, for what shall appear to be justly due to the Plaintiff, at the next Court; on Condition, That, upon the Defendant's Appearance at the next Court, the Bail shall be discharged, otherwise shall have the same Liberty of defending himself, as the principal Defendant might have had, if he had appeared; and then the Judgment shall be confirmed against the Bail, for what shall appear due to the Plaintiff: And if the Sheriff shall return no Bail, the same Judgment, Proceedings, and Liberty of defending himself, shall be given and had, to and against such Sheriff, as before, to, and against the Bail: And if such Sheriff dies, before Judgment confirmed, it may be confirmed against his Executors, or Administrators, or his Estate, (if no Will is proved, or Administration granted;) and a *Fieri facias* may issue to seize and levy so much of the said deceased Sheriff's Estate, as will satisfy the said Judgment.

† XX. *Provided*, That after Conditional Judgment, against the Sheriff, or Bail, they shall not be discharged by the Defendant's Appearance afterwards; unless such Defendant gives Special Bail for abiding the Award of the Court.

† Pa. 160.

XXI. *Provided*, That upon Confirmation of any Judgment against the Sheriff, or Bail, the Court, on Motion of such Bail, or Sheriff, his Executors or Administrators, or of any other Person, in either of their Behalf, may grant an Attachment returnable to the next Court, against the Defendant's Estate, for so much as shall be sufficient to satisfy the said Judgment and Costs, and all other Costs concerning the same: And the Estate so attached, shall be condemned for the same, and, upon Appraisement, so much as shall be sufficient for that Purpose, be delivered to the Bail, or Sheriff, his Exec-

utors

Ann. 1705 cutors or Administrators, and the Remainder returned to
Cap. 19. the Person from whom the same was attached.

Pa. 160. XXII. Where any Nonsuit is awarded, there shall be paid, (besides the Costs of Suit,) if the Defendant or Tenant (or where there are several, if any one of them,) lives Twenty Miles, or less, from the Place of holding the General Court, One Hundred and Fifty Pounds of Tobacco, and Five Pounds of Tobacco for every Mile above Twenty.

* *Pa. 161.* * XXIII. The Clerk of the Court shall carefully preserve the Declarations, Pleas, and all Evidences, and other Papers, relating to any Cause, and file them together in the Office.

XXIV. Where the Title of any Estate in Land is determined, the Pleadings shall be all in Writing, and shall be entred at large, with the Judgment thereupon, in particular Books set apart for that Purpose.

XXV. Where any Fine is laid on the Justices of any County Court, or the Members of the Vestry of any Parish, one Action may be brought against them all jointly.

XXVI. The Proceedings of every Day, shall be drawn at large by the Clerk, against the next Sitting of the Court, and be then read in open Court, and such Corrections as are necessary, be made therein; and then the same shall be signed by the Secretary, or his Deputy; and the said Draughts so signed, shall be preserved among the Records.

XXVII. The Clerk shall issue Summons's for Witnesses to appear at the General Court, mentioning the Time and Place of Appearance, and the Names of the Parties to the Suit wherein they are to give Evidence, and at whose Request they are summoned.

XXVIII. If any Witness, by Sickness, Age, or other lawful Disability, is incapable to attend; upon a Certificate of such Incapacity, under the Hand of a Justice of the *Quorum* of the County where such Witness dwells, the Judges of the Court where such Suit is depending, or any Two of them, may, by Commission, empower Persons to take the Affidavit of such Witness so disabled.

* *Pa. 162* XXIX. *Provided*, The Party obtaining such Commission, shall give Ten Days Notice to the other Party, of the Time and Place of executing the same. * And all Affidavits taken otherwise than is herein directed, shall be to all Intents and Purposes, null and void.

XXX. If any Witness summoned, shall refuse to give Evidence, upon Oath, before the General Court, or the Persons

Persons appointed to take Affidavits, as aforesaid, he or she shall be immediately committed to the common Goal, there to remain 'til he or she shall be willing to give Evidence, upon Oath, in such Manner as the Law now does, or hereafter shall, direct. Ann. 1705
Cap. 19.
Pag. 162.

XXXI. Quakers may give their Evidence, by way of solemn Affirmation and Declaration, according to the Statute of 7 & 8 William 3, cap. 34; which Statute, for so much as relates to such Affirmation, shall be in Force here. Popish Recusants convict, Negros, Mulattos, Indian Servants, and others, not being Christians, shall not be received as Witnesses, in any Case whatsoever.

XXXII. Every Witness summoned, as aforesaid, and failing to attend at the General Court, shall forfeit, to the Party grieved, One Thousand Pounds of Tobacco, with Costs, by Action of Debt, in any Court of Record.

XXXIII. *Provided*, If at the Time such Witness ought to have appeared, sufficient Cause of such Failure be shewn, no Forfeiture shall be incurred; but if Cause is not shewn at the Court, after such Failure, on the Motion of the Party grieved, the Court may grant Judgment against such Witness, for the Forfeiture aforesaid.

XXXIV. Upon Commitment of any Person for any criminal Offence, the Magistrate shall cause all the Witnesses of the Fact that shall come to his Knowledge, to enter into Recognizance, to appear and give Evidence, *viva voce*, upon the Trial.

XXXV. During any Witnesses attending at, and going to, and returning from the General Court, (accounting one natural Day for every Twenty Miles such Witness lives distant from the same,) no Writ, Process, Warrant, Order, Judgment, or Decree, shall be served or executed, on such Witness; and if any such is served or executed, the same shall be void, to all Intents and Purposes whatsoever.

* XXXVI. Every such Witness shall be paid by the Party, at whose Suit he or she was summoned, One Pound of Tobacco and an Half for every Mile such Witness shall travel, in going to, and returning from, the General Court, besides necessary Ferriage, and Sixty Pounds of Tobacco *per* Day, from the Time appointed for such Witnesses Appearance, 'til he or she shall be discharged. * Pa. 16

XXXVII. There shall not be allowed in any Bill of Costs, the Charge of above Three Witnesses, to the Proof of any one particular Matter of Fact.

XXXVIII. Any

Ann. 1705 XXXVIII. Any Person or Persons, Bodies Politic or
Cap. 19. Corporate, may appeal from the Judgment, Decree, or
Pag. 153. Sentence of any other Court, in any Cause whatsoever, to the General Court: In which Appeals, the Appellants may assign Errors, in Manner hereafter expressed, and not otherwise, *i. e.* In personal Actions, where the Judgment, &c. shall not exceed Twenty Pounds *Sterling*, or Four Thousand Pounds of Tobacco, no Error shall be assigned to reverse the same, other than Errors in Matter of Right: And if the Judgment, &c. on hearing the Appeal, appears to have been rightly given, the same shall be affirmed, notwithstanding any Misleading, or other Error in the Form of the Proceedings. And where such Judgment, &c. exceeds that Value, and shall not exceed Fifty Pounds *Sterling*, or Ten Thousand Pounds of Tobacco, no Error shall be assigned to reverse the same, other than Errors in Matter of Right; and such Errors in the Form of the Proceedings, as were insisted upon in the Court from whence the Appeal was made: And if the Judgment, &c. on hearing the Appeal, appears to have been justly given, in Point of Right, and the Errors so assigned shall not be sufficient to reverse it, the same shall be affirmed, notwithstanding any † other Error in the Formality of the Proceedings. And in all personal Actions, Suits in Chancery, Informations, or other Controversies, of greater Value than Fifty Pounds *Sterling*, or Ten Thousand Pounds of Tobacco; and in all real Actions, of what Value soever, any Error may be assigned, either of Form or Substance, as is permitted by the Laws of *England*, in the Prosecution upon Writs of Error.

† *Pa.* 164.

XXXIX. Where the Judgment, &c. in any personal Action, shall be so affirmed in the General Court, the Appellant shall pay unto the Appellee, (besides the principal Sum and Costs contained in such Judgment, &c.) Fifteen *per Cent.* Damage upon the said principal Sum and Costs. And in any real Action, Two Thousand Pounds of Tobacco Damage, over and above what shall be contained in the Judgment, &c. from whence the Appeal was made.

XL. All Appeals from the County Courts of *Henrico*, *Prince-George*, *Surry*, *Isle of Wight*, *Nansemond*, *Norfolk*, and *Princess-Aine*, shall be made to the Sixth Day of the next General Court, after such Appeals respectively: From the Courts of *James-City*, *Charles-City*, *New-kent*, *Warwick*, and *Elizabeth-City*, to the Seventh Day: From the Courts of *Gloucester*, *King William*, *King* and *Queen*,

Queen, Middlesex, and Essex, to the Eighth Day: From *Ann. 1705*
the Courts of *Richmond, Westmoreland, Northumberland,* *Cap. 19.*
Stafford, and Lancaster, to the Ninth Day: And from *Pag. 164.*
the Courts of *Accomack, and Northampton, to the Tenth*
Day, as aforeaid.

XLI. Upon Superfedeas brought to the General Court, to reverse any Judgment, Decree, or Sentence, given in any County Court, the Proceedings shall be the same as in Appeals; and the like Damages awarded, in Case the Judgment, Decree, or Sentence of the County Court, shall be affirmed.

† XLII. And forasmuch, as several Forfeitures, by † *Pa. 165.* this and other Acts, are directed to be recovered in any Court of Record in this Dominion: The General Court, and several County Courts are declared to be the only Courts of Record in this Dominion.

XLIII. All Acts, &c. relating to any thing within the Purview of this Act, repealed

XLIV. 4 *Annæ, cap. 20.* The Sheriff, and his Deputies, and Bailiffs, which shall attend the General Court, and every of them are impowered, during the Sitting of the same Court, to summon Grand Jurors, Jurors, and Evidences, and to execute other the Commands of the General Court, in all and every Part of the City of *Williamsburg*, and Half a Mile Compass from the same, and to make Return thereof; which Return shall be sufficient for the General Court to proceed upon.

XLV. The Constables of *Bruton* Parish, appointed by *James-City*, or *York County* Courts, respectively, may execute all Matters and Things, appertaining to the Office of a Constable within any Part of the City of *Williamsburg*, and Half a Mile Compass from the same.

XLVI. All Acts, &c. relating to any Thing within the Purview of this Act, repealed.

XLVII. 9 *Ann. cap. 4.* For explaining that Para- *Ann. 1710*
graph of the Act of 4 *Ann. cap. 19.* abridged, *Seç. 42.* *Cap. 4.*

*It is Declared, ** That nothing therein shall be taken to *Pag. 241.*
abridge the Roial Power, Prerogative, and Authority, of ** Pa. 242.*
her Majesty, her Heirs and Successors, of granting Com-
missions of Oyer and Terminer, or of erecting such other
Courts of Record, as she or they, by Commission or In-
structions to her or their Governor here, shall direct or
appoint; or of her or their receiving and determining
Appeals from the General Court, or to debar any Person
from appealing from the Judgment, Decree, or Sentence,
of

Ann. 1705 of the said General Court, to her Majesty, her Heirs and
Cap. 4. Successors, where the same is allowable by her or their
Pag. 242 Instructions to the Governor here.

G R A I N.

Ann. 1661 § I. 13 *Car.* 2. *Cap.* 112. *Pag.* 20. **A** L L Persons within this Colony, shall plant or tend, for every Tithable Person in their Family, Two Acres of Corn, or Pulse, under the Penalty of Five Hundred Pounds of Tobacco, for every Acre neglected as aforesaid; to be paid by the Delinquent, and to be levied by the Sheriff for the County's Use; and the Grand Jury in their several Limits, to look strictly after the Breach of this Act.

II. The sowing of One Acre of Wheat, shall excuse the planting of the Two Acres of Indian Corn, or other Corn, or Pulse, as this Act enjoins.

Ann. 1727 III. 1 *Geo.* 2. *cap.* 10. The Governor, upon Information of the Scarcity of Corn, or other Grain, may issue
Cap. 10. his Proclamation, by and with the Advice and Consent of
Pag. 403. the Council, for prohibiting the Exportation of any Wheat, Indian Corn, Pease, or other Grain, or of any Flour or Meal, made of the same; for such Time, as he, by the Advice aforesaid, shall judge necessary.

IV. All Grain, &c. laden, or put on Board any Vessel for Transportation, during the Continuance of such Prohibition, shall be forfeited, and may be seized by the Naval Officer, or other Officer of the Customs in the District where such Grain, &c. shall be laden, and the Owner thereof shall pay double the Value of the same: One Third of both the said Forfeitures to the King, &c. towards Support of this Government; One Third to the Governor; and the other Third to the Officer who shall seize, or any other Person who shall prosecute for the same: In any Court of Record, by Action of Debt, Bill, Complaint, or Information; no Essoin, &c. and but One Impar lance.

V. *Provided*, Nothing in this Act, shall restrain the Taking on Board any Vessel, any Provision of Corn, Pease, Flour, or Meal, necessary for victualing such Vessel in her Voyage.

* *Pa.* 404. * VI. *Provided also*, No Grain, or other the Commodities, before enumerated, laden on Board any Vessel for Exportation, before Notice of such Prohibition, shall be liable to Seizure or Forfeiture; nor the Owner thereof subject to any Penalty, if such Owner shall, in convenient
Time,

Time, after the Publication of such Prohibition, reland and dispose of the same in this Colony.

Ann. 1727

Cap. 10.

Page. 404.

HIGHWAYS.

Section I. **W**HERE the same is not already done, Public Roads shall be laid out by the Surveiors of the Highways, in their respective Precincts, in such Places as shall be most convenient for passing to and from Williamsburg, the Court-house of every County, the Parish Churches, and such † Public Mills and Ferries, as now are, or hereafter shall be erected, and from one County to another: And the Highways already laid out, with such as shall be laid out, by Virtue of this Act, shall be, at all Times, kept well cleared and grubbed, at least Thirty Foot broad: And if any Person shall fall any Tree into such Highway, and shall not cut the same away within Forty Eight Hours; or shall make any Fence into the Highway, he shall forfeit, for every such Offence, Ten Shillings Current Money, to the Informer: To be recovered, with Costs, before any Justice of the County.

Ann. 1733

Cap. 39.

Page. 191.

† Page. 192.

II. *Provided*, Any County Court, by their Order, may direct the Alteration of the Public Road, or the Making of new Roads, in such Places as to them shall seem convenient; and may order Assistance to lay out and clear the Highways, as aforesaid.

III. All Male labouring tithable Persons, when required by the Surveior of the Highways, shall assist in laying out and clearing the Highways: And if any such Person, being Free, shall fail to go and assist on such Request; or if the Master, or Owner of any such Person, shall fail to send, upon like Request, such free Person, Master, or Owner, shall respectively forfeit Five Shillings Current Money, for such free Person's Failure; and for every tithable Person, such Master or Owner shall fail to send, to the Informer: To be recovered, with Costs, as aforesaid.

IV. *Provided*, Any Justice, to whom Information shall be made, of any such Failure, on hearing the Cause thereof, may give Judgment for the Defendant, if such Cause appears to him to be reasonable: Which shall acquit him from the Forfeiture aforesaid.

M

V. Any

Ann. 1705 V. Any Surveior of the Highways, failing to perform
Cap. 39. his Duty directed by this Act, shall forfeit Fifteen Shil-
P. g. 192. lings Current Money, to the Informer: To be recovered,
 with Costs, as aforeaid.

VI. Every Surveior, with the Assistance aforeaid, shall make Bridges in all necessary Places in his Precinct, which shall be at least Ten Foot broad, and level and passable; and shall keep the same in good Repair: And where there shall be occasion for a Bridge over any Place, where the Surveior, with the Assistance aforeaid, cannot make it, the County Court shall covenant with some skilful Workman to make the same; and may lay a County Levy upon the Poll, to pay for it. And if such Bridge is wanting over a Place which lies between Two or more Counties, the Court of each County shall join in the Agreement, and may lay a County Levy for Paiment thereof, proportionable to the † Number of Tithables in each County.

† *Pa. 193.*

VII. Every Person having a Plantation, shall make a convenient Passage for Man and Horte to go to his Dwelling-house, and keep the same in Repair, on Penalty of forfeiting, to the Informer, Ten Shillings Current Money, for not making the same; and also Ten Shillings for every Six Months such Passage shall not be made, or being made, shall continue unrepaired: To be recovered, with Costs, as aforeaid.

VIII. All such Landings, as have Rolling-houses, at or near them, or have been commonly used for bringing Tobacco to, and to which there are plain Roads already made, shall be accounted public Landings: And the Roads to such Landings, or any other public Landings hereafter to be appointed by the County Courts, shall be kept in Repair, sufficient for Carts to pass and repass to and from the same.

IX. Every County Court failing, between the Last Day of *April*, and First Day of *August*, Yearly, to appoint Surveiors of the Highways, and proper Persons to clear the Rivers and Creeks, within their respective Precincts, from all Trees, and other Things, which may be dangerous to any Vessel passing up or down the same, shall forfeit Two Thousand Pounds of Tobacco to the Informer: To be recovered, with Costs. And if any Person so appointed to clear the Rivers and Creeks, shall fail to perform his Duty therein, some Time in the Months of *March*, and *October*, Yearly, he shall forfeit Fifteen Shillings Current Money: To be recovered, with Costs,
 before

Hog-stealing.

Ann. 1705 Servant, after the Rate of One Hundred and Fifty Pounds
Cap. 14. of Tobacco for a Month's Service; and Judgment shall
Pag. 151. go accordingly.

III. And if the Offender be a Slave, the Owner of such Slave shall pay Two Hundred Pounds of Tobacco to the Owner of the Hog; and Judgment shall go accordingly.

IV. If there be more Offenders than One, each shall be adjudged to the Punishment and whole Fine, and may be particularly prosecuted.

V. *Provided*, Owners of Slaves shall not be obliged to pay more than once for One Hog; but such having paid Two Hundred Pounds of Tobacco for each Hog stolen, shall be acquit: And if Slaves of several Masters be concerned together in one Offence, the Pay for such Hog or Hogs, shall be paid by the Owners of such Slaves, in proportion.

VI. If any Person shall, the Third Time, offend, by stealing a Hog, Shoat, or Pig, such Offender shall be adjudged a Felon, and shall suffer Death, as in Case of Felony.

VII. If any Person shall bring, or cause to be brought, to his or her own House, or any other House of Reception, any Hog, Shoat, or Pig, without Ears, or shall receive any such, and not immediately discover the same to a Justice of the County; such Person shall, by Virtue of this Act, be adjudged a Hog-stealer, and shall suffer the Pains, Penalties, and Forfeitures accordingly: Except such Person shall be able to prove the lawful Property of the said Hog, to be in him or herself.

Pa. 152 VIII. All Indians, keeping Hogs, shall give them the same Mark that hath been, or by the * next adjacent County Court shall be, allowed to their Town. And if any Person, not being an Indian, shall buy or receive from any Indian, any Pork, and cannot prove such Pork to be of the proper Mark of the Town of Indians, to which such Indian shall belong, such Person shall forfeit One Thousand Pounds of Tobacco; one Half to the Queen, &c. towards Support of this Government; the other to the Informer: To be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record here; no Effoin, &c.

IX. No Person may hunt, kill, or shoot, any unmarked Hog, Shoat, or Pig, in Company of the Hogs, or ranging upon the Land of any other Person, on Pain of being fined One Thousand Pounds of Tobacco for every such

such Offence: To be recovered, at the Suit of the Informer, by Action of Debt, Bill, Plaint, or Information, in any Court of Record. And if any Person kills any unmarked Hog, Shear, or Pig, ranging on his Land, or on any unpatented Lands, and being alone, or in Company of his or her own Hogs, or of other unmarked Hogs, (in all which Cases, it is lawful to hunt or kill unmarked Hogs,) such Person shall, within Three Months next after, give an Account thereof, upon Oath, to some Justice of the County, and shall take a Certificate thereof accordingly, for his or her Justification; and every such Person failing so to do, is hereby declared a Hog-stealer, and shall suffer the Pains, Penalties, and Forfeitures accordingly. Ann. 1705
Cap. 14.
Pag. 152.

X. All Acts, &c. relating to any thing within the Purview of this Act, repealed.

H O R S E S a n d M A R E S.

§ I. 12 *Ann.* *A*FTER the 20th Day of *June* next, if Ann. 1713
Cap. 8.
Pag. 294.
cap. 8. any Inhabitant of this Colony, not having a Freehold of Fifty Acres of Land, or possessed of and occupying Land or Tenement, of the Value of Twenty Pounds, or not being Tenant of and occupying Lands or Tenements, for which he shall pay the Value of Five Hundred Pounds of Tobacco, or Fifty Shillings Yearly Rent, shall keep, as Owner thereof, any stoned Horse, or unspaid Mare, or any more than One Gelding, or spaid Mare; any Person may take up such stoned Horse, or unspaid Mare, and every Gelding, or spaid Mare, above One: And such Person shall, within Three Days after such Taking up, and Three Days at least before the next County Court-day, where the Owner resides, give Notice of such Taking up, to such Owner in Writing: And if the Owner* shall not, at such next * Pa. 295.
Court, make Proof, that he is an Inhabitant of some Place out of this Colony, or that he hath such Freehold, or is possessed of such Land, Tenement, or Tenancy, as aforesaid, such Taker up shall, from thenceforth, have the Property in such Horse, Mare, or Gelding: But if such Notice cannot be given, Three Days before the Court next after such Taking up, the Owner shall not be obliged to appear 'til the Court-day succeeding the Court-day next after Notice given.

II. And

Ann. 1713 *Cap.* 8. *Pag.* 295. II. After the said 20th Day of *June*, no Person shall keep in unfenced Grounds or Marishes, any stoned Horse of Two Years Old, under Thirteen Hands and an Half High, to be measured from the lowest Part of the Hoof of the Fore-foot, to the highest Part of the Withers, each Handful to contain Four Inches of the Standard; upon Penalty of forfeiting such stoned Horse, or Four Hundred Pounds of Tobacco, and Cask, for every such Horse so found at large. And any Person may take up such Horse so found, and carry him before any Justice of that County, and make Proof before him, by the Oath of the Taker-up, and One other Person at least, that he, she, or they, did find such stoned Horse running at large: Which Proof being made, such Justice shall cause the said Horse to be measured; and if he is not of the Size before-mentioned, shall certify the same under his Hand, and thereafter the Taker-up may keep such Horse as his own.

III. *Provided*, Such Taker-up, receiving a Certificate as aforesaid, shall give public Notice thereof, by setting up Notes at the Door of the Court-house of that County, and the Church of that Parish, where such Taking-up was, describing the Marks, Colour, and Brand, of such Horse. And if, within Two Months after such Publication, the Owner shall tender to the Taker-up, Four Hundred Pounds of Tobacco, and Cask, or Security for the same, to be paid at the next succeeding Crop; such Owner shall recover and redeem such Horse from Forfeiture.

IV. No Overseer, not having Land of his own, in the County wherein he resides, nor any Servant whatsoever, shall be Owner of any unpaid Mare, nor keep any Horse, Mare, or Colt, without the Licence, in Writing, of his Master or Mistress; neither shall such Overseer or Servant keep any more than One, altho' the Master or Mistress shall grant such Licence; upon Pain of forfeiting every such Horse or Mare, to any One that will inform for * the same; recoverable before any Justice in the County wherein the Offence shall be committed.

HOUSE-BURNING.

Ann. 1730 *Cap.* 4. *Pag.* 437. § I. 3 & 4 *Geo.* 2. *cap.* 4. **E**VERY Person that shall by Night or Day, after the 29th of *September*, 1730, maliciously, unlawfully, and willingly, burn any Tobacco-house, Warehouse, or Storehouse, or any House or Place,

Place, where Wheat, Indian Corn, or other Grain, shall then be kept, or any other House whatsoever; or shall comfort, aid, abet, assist, counsel, hire, or command, any Person to commit any of the said Offences; being thereof convicted or attainted, or being indicted thereof, shall stand mute, or will not answer directly to the Indictment; or shall peremptorily challenge above Twenty Persons returned of the Jury, shall be adjudged a Felon, and suffer Death, as in Case of Felony, without Benefit of Clergy. Ann. 1730
Cap. 4.
Pag. 437.

II. Every Person that shall, by Night or Day, after the 29th of *September*, feloniously break any Warehouse or Storehouse, and take therefrom, any Money, Goods, Chattels, Wares, or Merchandises, of the Value of Twenty Shillings lawful Money, altho' the Owner of such Goods, or any other Person, be or be not in such Warehouse or Storehouse; or shall aid, assist, counsel, hire, or command, any Person so to break and rot any such Warehouse or Storehouse, and shall be thereof convicted or attainted, or being thereof indicted, shall stand mute, or will not answer directly to the Indictment; or shall peremptorily challenge above Twenty Persons retain'd of the Jury, shall be absolutely debared from the Benefit of Clergy.

‡ III. After the said 29th of *September*, If any principal Offender shall be convicted of any Felony, stand mute, or peremptorily challenge above Twenty Persons returned of the Jury; any Accessory, before or after the Fact, may be proceeded against, as if such Principal had been attainted, notwithstanding such Principal shall be admitted to the Benefit of Clergy, pardoned, or otherwise delivered, before Attainder: And every such Accessory shall suffer the same Punishment, if he or she be convicted, shall stand mute, or peremptorily challenge above Twenty Persons returned of the Jury, as he or she should have suffered, if the Principal had been attainted. ‡ Pa. 438.

IV. After the said 29th of *September*, any Person buying or receiving any stolen Goods, knowing the same to be stolen, may be prosecuted and punished as for a Misdemeanor, by Fine and Imprisonment, altho' the principal Felon be not before convicted of the Felony: Which shall exempt such Person from being punished, as Accessory, if the Principal shall be afterwards convicted.

INDIANS.

Ann. 1663 Section I. **T**HE King of *Potowmeck*, and all the
Cap. 17. rest of the Northern (a) *Werowances*,
Page 31. and (b) *Mongaies*, that have given any
 ‡ *Page 32.* Cause of Jealousy to the *English*, as soon as ‡ may be,
 See *Se&t.* shall deliver such Hostages of their Children, or others,
 13, in the as shall be required; and that Nation that refuses to
 Margent. deliver such, shall be declared an Enemy, and proceeded
 against accordingly. And if any *Englishman* be killed,
 hurt, or any ways injured, by any *Indian*, the Nation
 nearest adjoining shall use their best Endeavour to bring
 in the Offender, or shall be declared the Actors thereof,
 and proceeded against accordingly. And if any strange
Indians come into any of the Parts of the Tributary
Indians, they shall immediately raise all the Force they
 can against such strange *Indians*, and pursue them as Ene-
 mies: And, if they want any Assistance from the *English*,
 the Nation desiring it, shall repair or send some of their
 great Men to such Officers of the Militia, as shall be
 impowered by the Governor, and inform them, as near
 as they can, of the Number of their Enemies; which
 Officers shall send such Aid to assist them, as by their
 Commission, they shall be impowered. And the King of
Potowmeck, and the rest of their neighbouring *Indians*,
 shall use all their Care in finding out the Actors of the
 late Murders and Mischiefs done the *English*, and
 bringing them in; and all the Nations shall join and pur-
 sue the (c) *Doegs*, who confess to be Actors in the first
 Murders to the (d) *Okanacheys*, and the (e) *Monachins*,
 or where-ever they are fled to; and when they have found
 them, to bring them to the *English*: So, when any of
 the said *Doegs* come, to trade with any of them.

II. The King of *Potowmeck* shall not go and hold
Matchacomoco (i.e.) Counsel with any strange Nation,
 without Knowledge of the afore said Officers of the Militia,
 'til the Hostages be delivered.

III. The Hostages shall be civilly used by the *English*,
 to whose Charge they shall be committed; and be brought
 up in the *English* Liturgy, so far as they are capable.

(a & b) Indian Names for chief Men. (c d & e) Nations
 of *Indians* now extinct.

And

And the Care of putting them forth, and the Disposal of *Ann. 1663*
all Things belonging to them, is referred to the Gover- *Cap. 17.*
nor, who is desired, from Time to Time, to inquire of *Pag. 32.*
their Usage; and there shall be allowed, if Persons will
not otherwise take them, and educate them, as aforesaid,
Twelve Hundred Pounds of Tobacco a Year for each
Hostage's Maintenance and Education.

IV. The *Indians* shall have equal Justice with our own
Nation, as the Laws already made, have provided.

V. If any of the Hostages be seduced, or carried away
by any *Indian*, or otherwise departs out of the Limits
prescribed, any Nation entertaining such Hostage, or not
bringing them back, shall be held and proceeded against,
as an Enemy.

VI. 17 *Car. 2. cap. 8.* The Act of 15 *Car. 2. cap. 17.* *Ann. 1665*
shall be a general Law, and extend to all *Indians* what- *Cap. 8.*
soever; and where any Murder is committed upon the *Pag. 37.*
English, the next Town shall use all their Diligence in *See Sect.*
finding out the Actors. *18, in the*

VII. If any *Englishman* be murdered, the next Town *Margent.*
shall be answerable for it, with their Lives and Liber-
ties, to the Use of the Public; and the Governor is re-
quested to empower Persons in each County, on such Oc-
casions, to put the said Law in Execution; who shall
make the same known to all *Indians*, within Two Months
after the said Law is in Force.

VIII. The *Indians* shall not elect their own *Werowance*,
or Chief Commander, but the Governor shall constitute
the Commanders of the respective Towns: And if the
Indians refuse to obey, or murder, such Commander, that
Nation shall be accounted Enemies and Rebels, and be
proceeded against accordingly.

IX. And whereas, the *English* going unarmed to
Churches, Courts, and other Public Meetings, may in-
cite the *Indians* to make some Attempt upon them; the
Governor is requested to issue his Commands to the Offi-
cers of the Militia to take care to prevent the same.

* X. Any Person entertaining or employing any *In- * Pa. 38.*
dian, shall be fined Five Thousand Pounds of Tobacco,
or suffer One Year's Imprisonment; unless such as give
Security to the County Court, and thereupon obtain a
Certificate from the said Court, and upon that Certificate,
a Licence from the Governor.

XI. The *Southern* Branches of *Black-water*, from the
Head of those Branches to the present *Apamatuck Indian*
N Town,

Ann. 1665 Town, and thence cross the River, by a continued Line,
Cap. 8. to the present *Monakin Indian* Town, shall be the Bounds
Pag. 38. over which the *Indians*, on the *South Side* of *James Ri-*
ver, shall not come.

Ann. 1680 XII. 32 *Car.* 2. *cap.* 14. The Act of 17 *Car.* 2. *cap.* 8.
Cap. 14. is hereby revived and reinforced, to the End the same be
Pag. 83. put in due and effectual Execution.

Ann. 1705 XIII. 4 *Ann.* *cap.* 25. If any Person shall employ any
Cap. 25. *Indian*, not being a Servant or Slave, to hunt or kill
Pag. 170. Deer, or furnish them with Guns, Powder, * or Shot,
 * *Pa.* 171. to hunt, as aforesaid, upon any patented Lands; such
 Person shall forfeit, to the Person upon whose Land such
Indian shall be found to hunt, as aforesaid, One Thou-
 sand Pounds of Tobacco: To be recovered, with Costs,
 by Action of Debt, in any Court of Record.

XIV. And when any Person shall find any such *In-*
dian shooting, ranging, or hunting upon his Land, such
 Person may take away the Gun, Powder, and Shot,
 which he shall find upon such *Indian*, and convert the
 same to his own Use: And upon any Complaint made,
 or Suit brought, for taking and keeping the same, such
 Person may plead the General Issue, and give the Special
 Matter in Evidence; and the Defendant's own Oath shall
 be taken as Evidence in that Case.

XV. *Provided*, Nothing herein shall extend to the
Pamunkey or *Chickahominy Indians*, or to the *Indians* on
 the *Eastern Shore*, hunting or ranging, as heretofore they
 have been accustomed.

XVI. All Acts, &c. relating to any thing within the
 Purview of this Act, repealed.

Cap. 52. XVII. 4 *Ann.* *cap.* 52. No *Indian* King, or any other
Pag. 229. Tributary *Indian* whatsoever, shall bargain, sell, or con-
 vey, to any Person or Persons, other than to some of their
 own Nation or Posterity, in Fee for Life, or for Years,
 the Lands laid out and appropriated for the Use of the said
Indians, or any Part thereof; or any other Land whatso-
 ever, which any of the said *Indians* are possessed of, * or
 pretend to claim, by Virtue of the Articles of Peace made
 and concluded with them, the Twenty Ninth Day of
May, 1677, or by any other Title whatsoever; but eve-
 ry such Bargain, Sale, or Demise, shall be absolutely
 void.

XVIII. If any Person or Persons (other than the *In-*
dians, and their Posterity,) shall hereafter purchase or
 obtain any Conveiance in Fee, or Lease for Years, from
 any of the said *Indians*, of any Lands, Tenements, &c.
 so

so laid out, (a) now possessed, or justly claimed by the said *Ann 1705*
Indians; or shall occupy, or tend any of the said Lands, Cap. 52.
 by Permission of the said *Indians*, or otherwise, such Per- Pag. 230.
 son, on Conviction, shall forfeit Ten Shillings Current
 Money, for every Acre so purchased, leated, or occupied;
 and the like Sum for every Year, during the Continuance
 of the Possession or Occupation of the Lands, by Virtue
 of such Purchase or Lease: One Moiety of the said For-
 feitures to the Queen, &c. towards Support of this Go-
 vernment; the other to the Informer: To be recovered,
 by Action of Debt, Bill, Plaint, or Information, in any
 Court of Record; no Effoin, Protection, or Wager of
 Law.

XIX. *Provided*, The General Court may examine
 the several Claims of *George Skilling*, to Three Hundred
 Acres of *Michael Waldrop*, to Ninety Acres; and of the
 Heir of *George Sutherland*, deceased, to 200 Acres:
 All which are said to be Part of the Land laid out for
 the *Pamunkey Indians*; and the Governor, with Ad-
 vice and Consent of the Council, may grant to such of
 them, as make out equitable Pretensions thereto, Patents
 for the said several Quantities, if so much within their
 Bounds, but not for a greater Quantity, although their
 Bounds contain the same.

XX. For explaining that Clause in the Articles of
 Peace, 'That no *English* shall seat or Plant, nearer than
 'Three Miles of any *Indian Town*': *It is declared*,
 That where an *Indian Town* is seated, on or near a na-
 vigable River, and the *English* have already seated with-
 in Three Miles of the same, on the opposite Side of the
 River, * the Privilege of such *Indian Town* shall be li- * Pa. 231
 mited by the River.

XXI. The Tributary *Indians* shall be well secured
 and defended in their Persons, Goods, and Properties;
 and whoever shall defraud, or take from them, their
 Goods, or do Hurt or Injury to their Persons, shall make
 Satisfaction, and be punished for the same, according to
 Law, as if the *Indian* Sufferer had been an *Englishman*.

XXII. The Tributary *Indians* shall enjoy their wonted
 Conveniences of Oistering, and Fishing, and of Gather-

(a) See Section I. to XIII. The several Parts of the said
 Acts are repealed: But the repealing Clause in this Act ex-
 tends to the Laws concerning the Tributary *Indians* only;
 and those Laws concern all *Indians* whatsoever.

Ann. 1705 ing, on the Lands belonging to the *English*, Tuckahoe, Cap. 52. Cuttenemons, Wild Oats, Rushes, Puckoon, or other *Pag.* 231. Things, not useful to the *English*, upon a Licence first had from a Justice of the County where they come for those Purposes: And if any *Englishman* takes from any of the said *Indians*, any Goods, or kills, wounds, or maims any of them, as they come in, whilst they tarry, or as they return; he shall be punished, and suffer, as if he had done the same Thing to an *Englishman*.

XXIII. *Provided*, The said *Indians* bring with them no Guns, Ammunition, or offensive Weapons, but first obtain a Licence, as aforesaid, in which shall be limited the Time of their Stay; beyond which, it shall not be lawful for them to tarry.

XXIV. All Tributary *Indian* Kings and Queens, having the least Notice of a March of strange *Indians* near the *English* Quarters or Plantations, shall forthwith repair, or at least send one of their great Men to the next Militia Officer, to acquaint him what they know of their Nation, Number, and Design, and which Way they bend their Courte; and if the Tributary *Indians* then desire any Aid against the strange *Indians*, the Colonel of the Militia in those Parts, shall forthwith send out a convenient Party of the Militia to join with them for their better Defence and Security.

XXV. All *Indians*, under the Protection of this Government, shall march with the *English*, in Pursuit of Foreign *Indians*, when commanded, and continue in the Pursuit, as Occasion requires.

XXVI. There shall be a free and open Trade for all Persons, at all Times and Places, with all *Indians* whatsoever.

XXVII. *Provided*, That any Person selling, or offering to Sale, to any *Indian*, any Rum or Brandy, in any Town of the Tributary *Indians*, or any Land belonging thereto; and being thereof convicted before any Justice of the County where the Offence * shall be committed, shall forfeit Ten Shillings for every Quart sold, or offered to Sale, and so proportionably, for a greater or lesser Quantity; One Moiety to the Queen, &c. towards Support of this Government; the other to the Informer.

XXVIII. *Provided*, If any Person or Persons shall hereafter, at his or their own Charge, discover any Town or Nation of *Indians*, to the Westward of, or between the *Appalatian* Mountains; the Governor, with Advice and Consent of the Council, by Charter, or Grant, under

under the Colony Seal, may grant to such Discoverers, *Ann. 1705*
 their Executors, Administrators, and Assigns, for Four- *Cap. 52.*
 teen Years then next coming, the sole Liberty and Right ** Pa. 232.*
 of Trading with every such Town or Nation, so discovered, with such Clauses of Prohibition of all other Persons from the said Trade, and under such Penalties and Forfeitures as shall be thought convenient. Which Charter, or Grant, shall be good and valid in Law, to the Intents and Purposes therein mentioned: And, if Occasion so requires, the said Governor, with Advice and Consent of the Council, as aforesaid, by such Charter, or Grant, as aforesaid, may make and constitute such Discoverers, and such other Persons, as they shall desire, to be a Body Corporate and Politic, by such Name, in such Manner, and with such Liberties, as shall appear necessary for better enabling them to make the most Advantage of the said Trade, exclusive of all other Persons.

XXIX. All Acts heretofore made for so much as relates to the Tributary *Indians*, or to a free and open Trade with all *Indians*, or any other Matter within the Purview of this Act, except an Act made 18 *April*, 1705, intituled, *An Act concerning the Nanfiaticco and other Indians*, are hereby Repealed.

XXX. 8 *Geo. 1. cap. 3.* After the Ratification of the *Ann. 1722*
 Treaty intended with the Five Nations of *Indians*, at *Cap. 3.*
Albany, no *Indian* or *Indians*, tributary to this Govern- *Pag. 323.*
 ment, (a) shall cross *Potowmack* River, or pass to the Westward of the Great Ridge of Mountains, without a Licence first obtained from the Governor or Commander in Chief of this Dominion, under the Colony Seal, containing the Number of the *Indians* so licenced, and the Occasion of granting the same: And all and every such *Indian* offending herein, or going in greater Numbers, than are mentioned in such Licence; on Conviction, shall suffer Death, or be transported to the *West-Indies*, there to be sold as Slaves, as shall be awarded by the Court hereby appointed for Trial of the said Offences. And if any Tributary *Indian* so offending, shall be killed, out of the Limits aforesaid, by Foreign *Indians*, or by any of his ** Majesty's* Subjects inhabiting beyond the said ** Pa. 324.*

(a) Note, A Copy of this Act was delivered to the Great Men of the Five Nations, under the Seal of the Colony, at the Treaty at *Albany*, in *September*, 1722, and by them Ratified.

Limits,

Ann. 1722 Limits, or shall be taken up, transported, or sold by either of them, no Satisfaction shall be demanded by this
Cap. 3. Government, for such Killing or Transportation.
Pag. 324

XXXI. None of the *Indians* of the said Five Nations, shall, after the Ratification aforesaid, hunt or travel in or thro' any Part of this Dominion lying on the South Side of *Potowmack*, or on the East Side of the said great Ridge of Mountains, without a Licence from the Governor, or Commander in Chief, of *New-York*, under the like Penalties herein before inflicted on the Tributary *Indians*.

XXXII. The Governor and Council, or any Five of them, (whereof the Governor or Commander in Chief to be One,) may hold a Court at any Time and Place within this Colony, by the said Governor or Commander in Chief to be appointed, to hear and determine all Offences against this Act, and may take for Proof, the Oath of one or more credible Witnesses, or such *Indian* Testimony, or pregnant Circumstances, as shall be convincing; and may proceed thereon without the Solemnity of a Jury.

XXXIII. When any such *Indian* shall be condemned to Death, there shall be paid to the Person taking up such *Indian*, One Thousand Pounds of Tobacco by the Public; and if such *Indian* shall be condemned to Transportation, the Taker-up shall have the Benefit of selling such *Indian*, and receive to his own Use, the Money arising by such Sale.

XXXIV. *Provided*, where the Governor, or Commander in Chief, shall find any Offenders against this Act, fit Objects of Mercy, he may, with the Advice and Consent aforesaid, mitigate such Punishment, or totally remit the same, and send the Offenders back to their own Nation, as shall be most conducive to the Interest of this Colony.

XXXV. Every Nation of *Indians*, who shall hereafter become tributary to this Government, and every Nation of Foreign *Indians*, who shall, hereafter, by Treaty with this Government, agree to be confined to certain Limits in their Hunting and Travelling, shall be liable to the like Penalties, for departing out of the same: And the Governor or Commander in Chief of this Dominion, with Advice and Consent of the Council, shall have the same Powers and Authorities of punishing or pardoning the said Offences committed by such *Indians*, as are herein before inflicted, directed, or given.

INTESTATES

INTESTATES ESTATES.

§ I. 4 *Annæ*, **A**FTER Debts, Funerals, and just
cap. 33. Expences paid, the Surplusage of the
 Personal Estate of every Person dying intestate, shall be
 distributed, in Manner following: One Third to the
 Wife; and all the Residue, in equal Proportions, among
 the Children, and such Persons as legally represent them,
 in Case any be Dead, other than such Child or Children
 (not being Heir at Law,) who shall have any Estate by
 the Settlement of the Intestate, or shall be advanced by
 him in his Life-time, by Portion, equal to his Share,
 which shall, by such Distribution, be allotted to the
 other Children; and in Case any Child (other than the
 Heir at Law) shall have any Estate, by Settlement from
 the Intestate, or shall be advanced by him in his Life-
 time, by Portion not equal to the Share which shall
 be due to the other Children by such Distribution; then
 so much of the said Surplusage to be distributed to
 such Child or Children, as shall have any Lands by
 Settlement from the Intestate, or were advanced in
 the Life-time of the Intestate, as shall make the Estate
 of all the said Children to be Equal, as near as can be
 estimated: But the Heir at Law, notwithstanding any
 Land he shall have by Descent, or otherwise, from the
 Intestate, is to have an equal Share in the Distribution,
 with the rest of the Children, without any Consideration
 of the Value of the Land he hath by Descent, or other-
 wise, from the Intestate. And if, after the Death of the
 Father, any of his Children shall die Intestate, without
 Wife or Children, in the Life-time of the Mother, every
 Brother and Sister, and the Representatives of them, shall
 have an equal Share with her: And if all the Children
 shall die Intestate without Wife or Children, in the Life-
 time of the Mother, then the Portion of the Child so
 dying last, shall be equally divided; One Moiety to the
 Mother; and the other to the next of Kindred by the Fa-
 ther: And if there be no such Kindred by the Father,
 then the Whole shall be to the Mother. And if there be
 no Children, nor any legal Representatives of them, then
 the one Moiety to the Wife, and the other to be equally
 distributed to the next of Kindred, in equal Degree, to
 the Intestate, and those who legally * represent them; * *Pa. 185.*
 and, if there be no such Kindred, then all the said Sur-
 plusage to be to the Wife.

II. *Provided,*

Ann. 1705 II. *Provided*, There be no Representations admitted amongst Collaterals, after Brothers and Sisters Children: And if there be no Wife, the Surplusage to be distributed equally among the Children. And if there be no Children, then to the next of Kindred, in equal Degree, to the Intestate, and their legal Representatives, as aforesaid; and in no other Manner whatsoever.

III. *Provided also*, When any Person dies Testate, leaving One or Two Children, and no more, he shall not dispose of more than Two Third Parts of his Estate by Will from his Wife; and if such Person shall leave more than Two Children, he shall not leave his Wife less than a Child's Part, according to the Number of Children: But if such Person leaves no Child, then the Wife shall have at least one equal Moiety of his Estate. And every Will otherwise made, for so much thereof as relates to the Wife, upon her Petition to the Court where the same shall be proved, shall be declared void: And she may sue for, and recover such Part of her deceased Husband's Estate, as is herein before directed to be given her. *See Slaves. Sect. 50.*

IV. *Provided*, If such Wife dies before Distribution of her deceased Husband's Estate, her Executors or Administrators, may sue for so much as shall be given her by Will, and no more.

V. *Provided also*, If the Widow of any Person dying Intestate, shall die before the Appraisement of her deceased Husband's Estate; her Right to any Part thereof shall be determined, and her Executors and Administrators, shall have no Action for Recovery thereof.

VI. *Provided also*, To the End that a due Regard be had to Creditors, That no Distribution of any Intestate's Estate shall be made, as aforesaid, 'til Nine Months after the Intestate's Death: And every one, to whom any Share shall be allotted, shall give Bond, with sufficient Sureties, in the Court where such Distribution shall be made, That if any Debt or Debts, truly owing by the Intestate, be after sued for, and recovered, or otherwise duly made to appear; he or she shall, respectively, pay back to the Administrator, his or her ratable Part of that Debt or Debts, and of the Costs of Suit, and Charges of the Administrator, by reason of such Debt, out of the Share allotted him or her.

VII. The Widow of any Person dying Intestate, shall be endowed of One full and equal Third Part of her deceased Husband's Lands, Tenements, and other Real Estate,

Estate, in Manner directed by the Laws and Constitutions *Ann. 1705*
of *England*: And 'til such Dower assigned, shall con- *Cap. 33.*
tinue in the Mansion-house and the Messuage or Plan- *Pag. 186.*
tation thereunto belonging, without Rent.

VIII. *Provided*, If any Widow shall have such a Jointure settled on her, in the Life-time of her Husband, as by Law doth bar her of her Dower, she shall not hold Possession of any Houses or Messuages of her said deceased Husband, other than what shall be so settled on her.

IX. If any Person dies, leaving an Estate of so small Value, that no One will administer, the Court, Three Months after such Person's Decease, may direct the Sheriff of the County, to take such Estate into his Possession, and sell the same by Outcry: And the Buyers shall give Obligations, with Security, for Paiment of what shall be due from them to the said Estate; which shall be made paiaable to the Sheriff, and shall by him be assigned to such Creditors of the Deceased, or such other Persons as the Court shall direct, always regarding the Dignity of the Debts: For which, the Sheriff shall be allowed Five *per Cent.* on the Value for which such Estate shall be sold.

X. When any Person shall be chargeable, as Executor or Administrator, or otherwise, with the Estate of any deceased Person, or of any Orphan, and shall die so chargeable, the Estate of such Person so dying, shall be liable to pay such other deceased Person's or Orphan's Estate, before any other Debt whatsoever.

XI. Every County Court shall take good Security of all Guardians, for the Estates of the Orphans committed to their Charge, and shall Yearly inquire into such Securities; and if any of them become defective or insufficient, shall cause new Security to be given: And if it shall appear that the said Estates are likely to be imbezzled, or that the Orphans are not taken Care of, and educated according to their Estates; the Court may remove the said Orphans (not being of Age to chuse their Guardians) and their Estates, and to place them under the Care of such other Persons, as to them shall seem most proper; always taking good Security for the said Estates, that when they become paiaable, they may be paid without any Abatement, (other than of the Profits of the said Estates,) for Diet, Cloathing, or any other Matter whatsoever: And if any Orphan's Estate be so small, that no Person will maintain him for the Profits, such

Ann. 1755 Orphan shall, by the Court's Direction, be bound App-
Cap. 33 prentice to some Handicraft Trade, or Mariner, 'til †
Page 186. Twenty One Years of Age. And the Master of every
† *Pa.* 187. such Orphan shall be obliged to teach him to read and
write: And at the Expiration of his Servitude, to pay
him, as is appointed for Servants by Indenture or Custom.
And if such Apprentice be ill used by his Master, or he
fails to teach him his Trade, the Court may remove him,
and bind him to another Person. (*See Executors and Ad-*
ministrators. Sect. 9. to the End.)

XII. If any County Court, on granting Administration
on any deceased Person's Estate, or committing any Or-
phan's Estate to the Charge of any Person, shall fail to
take good Security for the same, the Justices granting such
Administration, or committing such Orphan's Estate, and
every of them, shall be chargeable for all Loss and Da-
mage accruing by reason of such Failure: To be recover-
able by Action at the Common Law, at the Suit of the
Party grieved.

XIII. When any Party, being Security in any Court,
for any Decedent's Estate, or the Estate of any Orphan,
shall think himself in Danger of suffering, by reason of
being such Security, and shall petition the said Court for
Relief, by Counter Security, or otherwise, the Court may
summon the Party with whom such Security was given,
and make such Order and Decree therein, as to them seems
equitable for such Party's Relief.

XIV. The County Court may regulate the Funeral
Expences of any Person deceased, and make Allowance
for the same, according to his Estate.

XV. All Acts, &c. relating to any thing within the
Purview of this Act, repealed.

INVASIONS and INSURRECTIONS.

Ann. 1727 § I. 1 *Geo.* 2. UPON any Invasion by Sea or Land, or
Cap. 5. *cap.* 5. upon any Insurrection, the Governor,
Page 387. or Commander in Chief, may levy, arm, and muster,
such a Number of Forces out of the Militia, as shall be
thought needful; and by himself, or his Lieutenants, Com-
manders, or other Officers by him to be commissioned,
may lead, conduct, march, transport, and employ them,
as well within the several Counties and Places to which
they belong, as in any other the Counties and Places within
this Colony, for suppressing such Insurrection, and repel-
ling such Invasion; and such Forces may discharge and
disband,

disband, as the Cause of Danger ceases, for which they were raised. Ann. 727
Cap. 5.

* II. Every Officer of the Militia, to whom Notice shall be given of any Insurrection or Invasion, shall forthwith raise the Militia under his Command, and send immediate Intelligence to the County-Lieutenant, and in his Absence, to the chief Commanding Officer residing in the County, and to the next Militia Officer in the same County, informing them, at the same Time, in what Manner he intends to proceed: and shall, in the mean Time, keep the Militia under his Command, under Arms, until he receives Orders from his superior Officer. And every County-Lieutenant, or chief Commanding Officer, to whom such Intelligence shall be given, shall forthwith dispatch an Express to the Governor, or Commander in Chief, notifying the Danger; and shall therewith signify, in the best Manner he can, the Strength and Motions of the Enemy: And for that Purpose, such County-Lieutenant, or other Commanding Officer, may impress Boats and Hands, Men and Horses, as the Service may require for the Dispatch of such Intelligence; and 'til Orders shall arrive from the Governor, shall draw together the Militia of his County in such Place or Places as he shall judge most convenient for opposing the Enemy. P. 387.
* P. 388.

III. Upon Raising or Continuance of Forces, as aforesaid, any County-Lieutenant, Colonel, Lieutenant-Colonel, or Major, commanding any Part of the same, may, by Warrant under his Hand and Seal, impress necessary Provisions from any Person, and Sloops and Boats necessary for the Transportation of Forces over Rivers and Creeks, or the Bay of *Chesapeak*, with the Rigging, Tackle, Furniture, and Apparel thereunto belonging; and all manner of Carts, Waggon, Draught Horses, or Oxen, or other Conveniences, for the Land-Carriage of Provisions, great Guns, Arms, and Ammunition, from Place to Place; and also all Manner of Utensils, Tools, or Instruments, which may be wanted for digging or intrenching, or towards the mounting the great Guns, and making them useful: And may impress, by Warrant, as aforesaid, able and fit Men to go in Sloops and Boats, and any Smith, Wheel-wright, Carpenter, or other Artificer whatsoever, which shall be thought useful for the fixing of Arms, and making of Carriages for great Guns, or for doing any Work whatsoever, where Need shall be of such Artificer.

Ann. 1727 IV. *Provided*, No Use shall be made of any Provi-
Cap. 5. sions, Utensils, Tools, or Instruments impressed, as afore-
Pag. 388. said, until Appraisement hath been made thereof in To-
 bacco, by Two good and lawful Men, upon Oath; nor
 of any Boat or Sloop, Cart, Waggon, Horses or Oxen,
 'til Appraisement thereof, as aforesaid, with the several
 Appurtenances thereunto belonging: And also an Esti-
 mate made by the same Men of a suitable Allowance in
 Tobacco, by the Day, for the Use of the said Boat or
 Sloop, Cart or Waggon, with the Draught Horses or
 Oxen thereunto belonging. And every Person impressing
 any of the Particulars aforesaid, is required to take Care
 that an Appraisement and Estimate be made, as aforesaid,
 and to give a Receipt to the Owner, of every Particular
 by him impressed; with an Account therein, how the
 same was appraised, and how estimated, and for what
 Use and Service impressed, upon Pain of being liable
 to the Action of the Party grieved, for an unlawful
 Seizure.

† *Pa. 389.* † V. One Man shall be appointed by the Chief Offi-
 cer of the Militia in each of the Counties of *Elizabeth-*
City, Princess-Anne, and Northampton, at such Times
 and Places, as the Governor, or Commander in Chief,
 shall direct, to keep a constant Look-out to Seaward by
 Night and Day, and observe the Course and Motions of
 all Vessels discovered on the Coast; and if, on such Ob-
 servation, any such Look-out shall suspect such Vessels to
 belong to an Enemy, he shall immediately give Notice
 thereof to the next Field Officer in his County, who shall
 transmit an Account thereof to the Governor, or Com-
 mander in Chief, and the County-Lieutenant, or to the
 chief Commanding Officer of the Militia in the said
 County.

VI. There shall be paid, by the Public, to the Offi-
 cers and Soldiers which shall be drawn out into actual
 Service, by Virtue of this Act, and to the Look-outs ap-
 pointed in Manner aforesaid, after the Rates follow-
 ing, *viz.*

A County-

*Ann. 1727
Cap. 5.
Pag. 389.*

| | of Horse, of Foot, | | Pounds of Tobacco per Day. |
|---|--------------------|----|----------------------------|
| A County-Lieutenant, c. Com-
mander in Chief, - - - } | 70 | | |
| A Colonel, - - - - | 60 | 50 | |
| A Lieutenant-Colonel, - - - | 50 | 40 | |
| A Major, - - - - | 50 | 40 | |
| A Captain, - - - - | 30 | 30 | |
| A Lieutenant, - - - - | 30 | 25 | |
| A Cornet, - - - - | 25 | | |
| A Quarter-Master, - - - - | 25 | | |
| A Corporal, - - - - | 22 | | |
| A Trumpeter, - - - - | 22 | | |
| A Horseman, - - - - | 20 | | |
| An Ensign, - - - - | | 20 | |
| A Serjeant, - - - - | | 18 | |
| A Drummer, - - - - | | 18 | |
| A Foot Soldier, - - - - | | 15 | |
| A Look-out, after the Rate of Two Hundred Pounds of Tobacco <i>per</i> Month. | | | |

VII. *Provided*, For the said Pay and Allowance, every Horseman shall provide himself with a Horse and Horse Furniture, Arms, and Ammunition; and every Foot Soldier with a Foot Soldier's Arms, and Ammunition.

VIII. *Provided also*, When any Part of the Militia raised by Virtue of this Act, shall be discharged, within Two Days, no Allowance shall be made, but every Man shall bear his own Charge; and when they shall be kept in Service above Two Days, they shall be paid for the * whole Time, according to the Rates * *Pa. 390.* aforesaid.

IX. Every Smith impressed and employed, as aforesaid, shall be paid by the Public, Fifty Pounds of Tobacco per Day; and every Carpenter, Wheel-wright, or other Artificer, Forty; and every Man impressed to go in a Sloop or Boat, Fifteen Pounds of Tobacco per Day.

X. *Provided*, For any Message sent, pursuant to this Act, by Land or Water, Allowance shall be made as the Law directs for other Expresses, and not otherwise.

XI. The Owners of any Provisions, Utensils, Tools, or Instruments, impressed, as aforesaid, shall be paid for the same by the Public, according to the Value thereof by the Appraisement made, as aforesaid.

XII. The Owners of any Boat, Sloop, Cart, or Waggon, with Horses, or Oxen, impressed and employed, by Virtue of this Act, shall be paid by the Public, for the Use

Ann. 1727 Use thereof according to the Estimate made as aforesaid.
Cap. 5. And if such Sloop or Boat be cast away, or lost; or any
Pag. 390 Cart, Waggon, Draught Horses, or Oxen, be destroyed
 or killed in the Service, the Owners shall be paid for
 the same, according to the Appraisment made, in Pursuance
 of this Act, and Half the Pay for the Use.

XIII. If any such Boat or Sloop, Cart or Waggon, be
 damaged, or any Horse or Ox, hurt or disabled in the
 Service, Satisfaction shall be made to the Owner, accord-
 ing to the Damage received, besides the Pay for the
 Use.

XIV. *Provided*, Such Damage be enquired of, and
 found by Two indifferent Persons, upon Oath, to be ap-
 pointed by any Justice within the County where such
 Sloop, Boat, Cart, Waggon, Horse, or Ox, shall hap-
 pen to be.

XV. The County-Lieutenant, or other Commanding
 * *Pa.* 391. Officer of the Militia in any County, * may appoint such
 and so many of the Militia in his County to be drawn
 out, and to patrol in such Places as he shall direct, and
 may cause them to be relieved by other Parties, for dis-
 persing all unusual Concourse of Negroes, or other Slaves,
 and for preventing any dangerous Combinations which may
 be made among them at their Meetings in any Holiday
 Times: Which Parties may take up any Slaves which
 they shall find convened together, contrary to the Act of
 9 Geo. 1. *cap.* 4, (which see under *Title of Slaves.*
Sect. 17.) and deliver them to the next Constable, to be
 dealt with as the said Act directs. And if any Parties
 of the Militia be employed in this Service above Two
 Days at any one Time, they shall be paid for all the
 Time they shall be so employed, according to the Rates
 herein before mentioned.

XVI. The Governor, or Commander in Chief, may
 appoint such a Number of the Militia residing next the
 Batteries erected in the several Rivers, as he shall think
 fit, to attend the same, under the Command of such Of-
 ficer or Officers, and under such Order and Discipline as
 he shall direct: Which Militia shall, from thenceforth,
 be exempted from all private Musters, except at the said
 Battery only.

XVII. If any Person armed, on any Emergency, out
 of His Majesty's Magazine, or other Stores, shall detain
 or imbezzle any of the Arms, Accoutrements, or Ammu-
 nition, so delivered him, (when the same shall be re-
 quired,) the County-Lieutenant, or other chief Com-
 manding

manding Officer, residing in the said County, may, by *Ann. 1727*
Warrant under his Hand, cause such Person to be impri- *Cap. 5.*
soned, 'til he makes Satisfaction for the Arms, &c. so *Pag. 391.*
detained or imbezzled.

XVIII. This Act to be in Force for Five Years from
its passing, and the Act of 4 *Ann. cap. 31. ** and 12 ** Pa. 392.*
Geo. 1. cap. 5. continuing the same, are hereby repealed.

XIX. 5 & 6 *Geo. 2. cap. 4.* The Act of 1 *Geo. 2. Ann. 1732*
cap. 5. continued for Three Years, from the Thirtieth *Cap. 4.*
Day of *March* next. *Pag. 472.*

XX. 8 *Geo. 2. cap. 4.* The Act of 1 *Geo. 2. cap. 5. A n. 1734*
continued for Three Years, from the Thirtieth Day of *C p. 4.*
March next. *Pag. 10.*
App.

I R O N - W O R K S.

§ I. 1 *Geo. 2. Ann. 1727*
cap. 12. **T**H E Justices of any County in which *Cap. 12.*
shall, upon Application of the Owners, or chief Mana- *Pag. 408.*
ger of such Work, order good Roads to be made from
such Work, to the nearest Place on some navigable River
or Creek, where their Iron may be shipped off, and for
bringing Materials thence, for carrying on such Work;
and shall order convenient Causeways and Bridges, for
the necessary Passage of Wheel-Carriages to and from such
Work, with the most Ease that can be: Which High-
ways and Bridges, during the Time such Iron-Work is
maintained, shall be repaired and amended, in the same
Manner, and under the same Penalties, that other High-
ways and Bridges are to be repaired and amended. (*See*
Sect. 9.) And such Court, on like Application, shall or-
der private Roads to be laid out, where necessary, for
carrying Wood, Coal, Oar, and Stone, to such Iron-
Work, so as such Roads do not pass through any Person's
inclosed or tended Grounds, and shall be cleared and re-
paired by the Owners of such Work.

† II. All Persons employed about any Iron-Work, shall † *Pa. 409.*
be exempted from clearing and repairing all Highways
and Bridges, (except those to be made for the Benefit of
such Work, pursuant to this Act,) and from clearing Ri-
vers and Creeks.

III. The Adventurers in any Iron-Work to be erected
within Twenty One Years next ensuing, shall give No-
tice to the Court of the County where such Work shall
lie, of their intending to carry on the same; and after
such Notice, all Persons employed in building and carry-
ing

Ann. 1727 ing on such Work, or cutting Wood, making Coal, raising Oar, or in any other Thing necessary for carrying on such Design, shall, for Five Years next following, be exempt from Paiment of all Public, County, and Parish Levies. *See Sect.* 15, 16, 17.

IV. *Provided*, The Owners or chief Manager of such Work, shall, within Twenty Days after the Tenth Day of *June*, Yearly, give a List of all the Persons so to be employed, to the Person appointed to take the List of Tithables in the Precinct where they shall live, or be employed; otherwise they shall not be entitled to any the Exemptions aforesaid, for that Year.

V. *Provided also*, If any of the Persons to be exempted, as aforesaid, shall be employed in planting or making Tobacco, the Owners of such Work shall, for that Year, lose the Benefit of the Exemptions aforesaid, for all the Persons employed about such Work; and if the same be done with their Knowledge or Content, shall further forfeit Five Hundred Pounds of Tobacco for every Person above the Age of Sixteen Years, constantly residing on the Plantation or Plantations where such Tobacco shall be so made; and if it be done without the Knowledge or Content of such Owners, the Overseer of such Plantation or Plantations shall be liable to the same Penalty: To be recovered, by Action of Debt, in any Court of Record; one Moiety to the Informer; the other to the King, &c. for Support of this Government.

VI. Every Person employed, or to be employed, about any Iron-Work now erected, shall, for Five Years, from the Tenth Day of *June* next, be exempted from Paiment of all Public, County, and Parish Levies, as aforesaid. *Provided*, The Owners or chief Manager give the same List to the Person taking the List † of Tithables, as before directed; and be restrained in the same Manner from making Tobacco, under the same Penalties on them, or their Overseers respectively: To be recovered and disposed of, in Manner before directed.

VII. *Provided*, Nothing in this Act be construed to extend to any Person selling Wood to the Owners of such Works, and employing their Servants or Slaves to cut the same.

VIII. The Justices of the respective County Courts, and Vestries of the several Parishes, where such Iron-Works are, shall Yearly, at laying their Parish and County Levies, compute how much the said Levies, by the Exemption of the Persons employed in Iron-Works,

are

are increased on the remaining Tithables; and shall re- *Ann. 1727*
turn such Computation to the Assembly, that the same *Cap. 12.*
Quantity of Tobacco may be reimbursed to such County *Pag. 410.*
and Parish, in the next Public Levy. See Sect. 15, 16. *Ann. 1730*

IX. 3 & 4 Geo. 2. cap. 13. * From henceforth, all *Cap. 13.*
Persons, except those employed in Iron-Works, shall be *Pag. 454.*
exempted from making, clearing, and repairing all Roads, * *Pa. 455.*
Bridges, and Causeways, laid out or made, pursuant to
Sect. 1. or which shall be appointed by the County Courts,
for the Conveniency of such Iron-Works.

X. *Provided*, All Roads ordered by the General Court
or County Court, to be laid out and cleared, for the Con-
veniency of the Inhabitants of the Country or County,
shall be cleared and maintained by the Surveyors appoint-
ed by the Courts, and the Inhabitants contiguous thereto.

XI. The Owners or chief Managers of Iron-Works may
cut down and use so much Wood and Timber adjoining,
or contiguous to the Roads now laid out, or to be ap-
pointed, for the Conveniency of such Works, as shall be
necessary for making and repairing convenient Bridges on
the said Roads.

XII. *Provided*, Such Owner or Manager, shall make
Satisfaction to the Proprietors of such Timber, as exceeds
Fifteen Inches Diameter at the Butt of the Tree: And if
the Value thereof cannot be agreed on between the Par-
ties, on Application of the Proprietor, or his Attorney,
to any Justice of the County where such Timber shall be
taken, such Justice shall appoint Three honest, disinte-
rested Freeholders of such County, to value the same, on
Oath, in Current Money, without Fee; and report such
Valuation to him, or some other Justice of the County;
according to which, such Owner or Manager shall make
Satisfaction.

XIII. *Provided also*, That such Owner or Manager
shall not cut down, take, or use, any Timber fit to make
Clap-boards, without the Consent of the Proprietor first
had and obtained.

† XIV. All Persons now employed, or to be employed, † *P. 456.*
about any Iron-Work already erected; or in building and
carrying on any such Work, cutting Wood, making Coal,
raising Oar, or any other Thing necessary for compleating
such Design, shall, during the Time they are so employed,
be exempted from serving in the Militia, at any General
or Private Muster, except in the Case of an Invasion, In-
surrection, or Rebellion.

Ann. 1730 XV. All tithable Persons that shall be employed about
Cap. 13. building and carrying on any such Iron-Work, shall be
Pag. 456. subject to the Paiment of Parish and County Levies.
 And all such tithable Persons, as shall be so employed in
 any such Work already erected, shall be exempted from
 the Paiment of Public Levies for Seven Years, from pas-
 sing this Act. And all such tithable Persons, as shall be
 employed in any such Work hereafter to be erected, shall
 be exempted from the Paiment of Public Levies for Seven
 Years, from the Beginning of such Work.

XVI. *Provided*, The Adventurers in such Iron-Works
 already erected, shall, for Seven Years, from passing this
 Act, have Credit in the Public Levy, for so much To-
 bacco, as such Parish and County Levies amount to :
 And the Adventurers in such Works hereafter to be erect-
 ed, shall have the like Credit for Seven Years, from the
 Beginning of such Works respectively.

XVII. *Provided also*, That the Persons hereby intend-
 ed to be intituled to the said Exemption from Public Le-
 vies, and the Credit aforesaid, shall enjoy the same, un-
 der the like Provisoos and Restrictions, as are expressed
 in 1 Geo. 2. cap. 12. and annexed to the Exemption
 thereby granted, from the Paiment of Levies, and not
 otherwise. See Sect. 3, 4.

XVIII. The Act of 1 Geo. 2. cap. 12. for so much
 thereof, as is not by this Act altered, or made void, is
 hereby confirmed and established.

JUDICIAL PROCEEDINGS.

Ann. 1661 § I. 13 Car. 2. **T**HE voluntary Confession and Ac-
Cap. 61. *cap.* 61. knowledgment of a Debt by the
Pag. 13. Debtor, under his Hand and Seal, before Two Commis-
 sioners, (*Quorum unus*,) shall be accounted in Law in
 the Nature of a Judgment, the said Commissioners at-
 testing the same under their Hands, and so certify-
 ing it to the Clerk of the County Court, to enter it up-
 on Record : Upon which Writing so acknowledged, at-
 tested, and recorded, Execution shall issue, in Case the
 Debt be not paid, as if Judgment had been granted for
 the same in open Court.

II. *Provided*, If no Execution issue within a Year af-
 ter such Acknowledgment, a *Scire facias* shall issue, be-
 fore any Writ of Execution shall issue forth.

III. 29 *Car. 2. cap. 4.* * All Acts, Orders, and Proceedings of the Grand Assembly, begun and held at *James-City*, the Fifth Day of *June*, 1676, are repealed, and made null and void, *Nathaniel Bacon* the younger, having, by Force and Threats, obliged the said Assembly to proceed according to his Directions and Demands. Ann. 1676
Cap. 4.
Pag. 67.
* Pa. 63.

IV. 4 *Annæ, cap. 28.* Any Assembly called under the Authority of the Queen, her Heirs and Successors, by the Governor, or Commander in Chief, with Consent of the Council, or by the President and Council, shall not determine or be dissolved, by the Death or Demise of Her Majesty, her Heirs or Successors; but shall continue, and may meet and sit, according to the Writs whereby the same shall be convened; and may act, notwithstanding such Death or Demise, for Six Months, and no longer; unless the same be sooner prorogued or dissolved: And if so prorogued, shall meet and sit, according to such Prorogation, and continue for the Residue of the said Six Months, unless sooner prorogued or dissolved, as aforesaid. Ann. 1705
Cap. 28.
Pag. 176.

V. All Acts, Deeds, and Sentences of the Governor, Lieutenant-Governor, Commander in Chief, or President and Council; and all Acts of Council, Judgments of all Courts, Acts of Justices of the Peace, and all other Officers, Civil and Military, which he or they might lawfully do, sign, or pass, during the Life of the King or Queen, for the Time being, shall be valid, to all Intents and Purposes in Law, although the same happen to be acted, done, or signed, after the Death of the said King or Queen, and before the same is, by Proclamation, publicly & notified here. And all Treasons, Rebellions, and other Crimes committed, during the said Time, shall be punishable, to all Intents, as if the King or Queen had been actually alive at the Time of the committing thereof. # Pa. 177.

VI. *Provided*, Nothing herein, shall extend to alter or abridge the Power of the Governor, Lieutenant-Governor, or Commander in Chief, or President and Council, to prorogue or dissolve any Assembly within the said Six Months, or at any other Time; nor to limit them, or any of them, in the Execution of any Instructions he or they shall receive from the succeeding King or Queen, relating to the Prorogation or Dissolution of Assemblies.

VII. 1 *Geo. 2. cap. 3.* After the Fifteenth of *April*, 1728, all Original Processes, by Writ, Summons, or other Manner, and all subsequent Process thereon, to bring any Person to answer in any Action, Suit, Information, Bill, Ann. 1727
Cap. 3.
Pag. 377

Act. 1727 or *Plaint*, in the General Court, and all Attachments at *Cap. 3.* Common Law, and *Subpœnas* to answer in Chancery, *Pag. 367.* shall be returnable on the First or Seventeenth Days of every General Court: And all such Writs or Proceſs o-therwiſe returnable, ſhall be void: And they ſhall bear Teſte by the Governor, or Commander in Chief, and be ſigned by the Clerk of the ſaid Court, and may be executed at any Time before the Day of the Return thereof: And if any Writ or Proceſs is executed ſo late, that the Sheriff hath not reaſonable Time to return the ſame before the Day of Appearance, and an *alias Capias*, *pluries Capias*, Attachment, or other Proceſs, ſhall thereupon be awarded, the Sheriff ſhall not execute ſuch ſubſequent Proceſs, but return the Firſt by him executed; whereupon the Plaintiff ſhall declare and proceed, as hereafter directed, and as if ſuch Writ or Proceſs had been returned to the Secretary's Office, on or before the Day of Appearance after the Return.

VIII. When any Writ ſhall iſſue, commanding the Sheriff to take the Body of any Perſon to answer any Plaintiff in the General Court, in any Perſonal Action, and no Debt or Damage is mentioned in ſuch Writ; or if Bail is not by Law requirable, the Sheriff may take the Engagement of any known and reputable Attorney, under *Pa. 378.* his Hand, indorſed on * ſuch Writ, that he will appear, or cauſe an Appearance to be entred for the Defendant, according to the Return thereof: Which Appearance ſhall be entred with the Clerk in the Secretary's Office, on the Fourth Day after the Return of the Proceſs, whereon the Defendant is arreſted: Which Day is hereby declared to be the Day of Appearance thereto.

IX. If any Attorney, or other Perſon, practiſing as an Attorney, ſhall fail to enter an Appearance, or cauſe the ſame to be entred, on the Appearance Day, (if not *Sunday*,) and then the Day following, according to ſuch Engagement, he ſhall forfeit and pay, to the Plaintiff Fifty Shillings Current Money; for which, Judgment ſhall be immediately entred, and the Plaintiff may take Execution thereupon, by *Capias ad ſatisfaciendum*, or *Fieri facias*.

X. Upon executing any Proceſs where Bail is require-able, the Sheriff ſhall return the Names of the Bail by him taken, as has been accuſtomed, to the Secretary's Office, before the Appearance Day: And if he ſhall not return Bail, or the Bail returned be adjudged inſufficient by the Court, or the Defendant fails to give ſpecial Bail,
being

being thereto ruled by the Court, the Sheriff, or Bail ^{Ann. 1727} returned, shall be subject to the same Judgment and Recovery, and have the same Relief against the Defendant, ^{Cap. 3. Pag. 378.} as the Law in that Case provides, and has been accustomed.

XI. If any Interlocutory or Final Judgment be obtained against any Defendant, and the Sheriff, or Bail, as aforesaid, before any General Court next after the Return of the Writ, such Judgment shall be set aside, if the Defendant, on the First Day of the said next Court, be allowed to appear without Bail, or shall put in good Bail, and plead to Issue immediately.

XII. When any Sheriff returns, that he hath taken the Body of any Defendant, and committed him to Prison, for want of Bail, the Plaintiff may proceed, and the Defendant make Defence, as where an Appearance shall be entred and accepted: But such Defendant shall not be discharged out of Custody, unless the Plaintiff is ruled to accept an Appearance at the next General Court, or by putting in good Bail.

XIII. Where any Sheriff returns, that the Defendant is not to be found in his Bailiwick, the Plaintiff, in any Civil Action, may sue out an Attachment against the Estate of such Defendant, returnable as † before directed, † ^{Pag. 379} to enforce an Appearance, or an *alias* or *pluries Capias*; which *pluries Capias* may be continued 'til the Defendant shall be arrested, at the Plaintiff's Election. And if the Sheriff returns any Goods attached, the Plaintiff shall file his Declaration, and be intitled to a Judgment for his whole Debt; and the Goods attached, shall remain in the Sheriff's Custody, 'til Judgment obtained, and then shall be sold, as Goods taken in Execution by *Fieri facias*: And if the Judgment shall not be satisfied by the Goods attached, the Plaintiff may have an Execution for the Residue.

XIV. *Provided*, The Goods so attached, may be replevied by Appearance, or putting in Bail, if the Defendant be ruled thereto by the Court.

XV. Where any Plaintiff will proceed to the Outlawry of any Defendant, in a Civil Action, he may, upon the *pluries Capias*, or *Capias ad satisfaciendum*, returned *Non est inventus*, sue out, and the Clerk shall issue an *Exigent* and Proclamation, returnable upon either of the Return Days aforesaid; that such Defendant may be outlawed thereupon.

XVI. For

Ann. 1727

Cap. 3.

Pag. 379.

XVI. For expediting Business in the General Court, after the said Fifteenth Day of *April*, the following Rules shall be observed.

XVII. In all Personal Actions, the Plaintiff shall file his Declaration within Four Days after the Defendant's Appearance entred, or he shall be Nonsuit.

XVIII. When the Defendant hath entred his Appearance, and the Plaintiff files his Declaration, he may give a Rule to plead, with the Clerk, in the Secretary's Office, which shall be out in one Calendar Month after the End of the Court to which the Process was returnable: And if the Plaintiff files his Declaration, but gives no Rule to plead, the Defendant, on the Day such Rule would have been out, if regularly given, may file his Plea, and give a Rule to reply.

XIX. All Rules to plead, reply, rejoin, or for further Proceedings, shall be given regularly from Month to Month, after the first Rule for Pleading expired, and shall not be out in less Time than before mentioned, for Rules to plead: Nor shall any Rule be given between Month and Month, that all Persons, by inspecting the Rule Book to be kept by the Clerk in the Secretary's Office for that Purpose, may know what Proceedings have been, or are to be, in the several Causes there depending.

* Pa. 380.

* XX. No Nonsuit, Judgment by *Nihil dicit*, Interlocutory or Final Judgment, shall be entred upon the Expiration of any Rule given, as aforesaid, unless the Attorney entring the same, shall have called upon the Attorney on the other Side (if any entred) Two Days at least before entring the same, and given him Notice of the Expiration of the Rule, if such Attorney on the other Side, at such Time of the Expiration, lives or resides in *Williamsburg*.

XXI. Upon the Expiration of any Rule, and Notice given, as aforesaid, (when requisite,) Judgment by Default, or a Nonsuit shall be signed by the Clerk in the Office, as of the preceding Court: Which Judgment shall be Final in Actions of Debt, where the Debt is certain; and in other Actions, a Writ of Inquiry shall be executed the next Court after Judgment signed in the Office; the Plaintiff's Attorney giving the Defendant, or his Attorney, Six Days Notice of the Execution thereof, if the Defendant lives within Twenty Miles of *Williamsburg*; and if more, Twelve Days Notice.

XXII. No Issue shall be tried the next General Court after it is joined, unless Ten Days Notice be given by the Plaintiff's

Plaintiff's Attorney, to the Defendant, or his Attorney, *Ann. 1727*
before the Day of Trial, if the Defendant lives within *Cap. 3.*
Twenty Miles of *Williamsburg*; if further, Twenty Days * *Pa 380.*
Notice.

XXIII. If a Writ of Inquiry is not executed, or an Issue tried the next Court after it is joined, or Judgment by *Nihil dicit*, or Interlocutory Judgment entred, no Notice of Trial, or executing such Writ need be given; but such Causes shall be called in the same Order as they stand upon the Clerk's Docket.

XXIV. When any Final Judgment shall be obtained out of Court, the Clerk shall allow a Lawyer's Fee in the Bill of Costs, if the Plaintiff employed One; which Fee, in all Cases in the General Court, is hereby declared to be Fifty Shillings Current Money, or Five Hundred Pounds of Tobacco, at the Election of the Party adjudged to pay the same.

XXV. The Clerk before every General Court, shall enter, in a particular Docket for that Purpose, all such Causes, and those only in which any Issue is to be tried, Writ of Enquiry executed, Special Verdict or Demurrer argued; and all Causes set down for Hearing or Argument in Chancery, in the same Order as they stood in Course of Proceedings, setting as near as may be an equal Number of such Causes to each Day.

XXVI. Where a Special Verdict is found, Time shall be allowed, upon Motion of either Party, to the same Day in the next Court to which it stood that Court, to argue it. And if any Causes at the End of the General Court, remain undetermined, they shall be continued of Course by the Clerk to the same Day in the succeeding Court, to which they were set down that Court.

XXVII. When any Cause shall be finally determined, the Clerk shall enter all the Pleadings therein, and other Matters relating thereto together, in a Book to be kept for that Purpose.

* XXVIII. All Witnesses attending the General * *Pa. 381.*
Court, shall require an Allowance for their Attendance from the Clerk in the Office; and on his Refusal to allow their Claim, may apply to the Court for Allowance thereof.

XXIX. No Appeal shall be allowed, or *Supersedeas* granted for reversing any Judgment or Decree of any inferior Court of Record, or Court of Chancery, where the Matter recovered, exclusive of Costs, shall not exceed Five Pounds Current Money, or One Thousand Pounds
of

Ann. 1723 of Tobacco, or the Value thereof, unleis in such Suit, the
Cap. 3. Title or Bounds of Lands be drawn in Question.

Pag. 381. XXX. In all Suits in the General Court in Chancery commenced after the said Fifteenth Day of *April*, the following Rules shall be observed.

XXXI. The Complainant shall file his Bill within Four Days after the Return Day of the *Subpœna* to answer.

XXXII. Upon the Complainant's dismissing his Bill, or the Defendant's dismissing the same, for want of Prosecution, the Complainant shall pay Costs, to be taxed by the Clerk of the Court, with a Lawyer's Fee; for which Costs, a *Subpœna*, or other Process of Contempt, may issue, returnable on any Return Day; *Provided*, there be a Month's Time, between the issuing out Process, and the Return thereof.

XXXIII. The Complainant may amend his Bill before the Defendant appears, or in a small Matter afterwards, without paying Costs; but if he amends after Appearance, and in a material Point, whereby the Defendant shall be put to any extraordinary Costs, such Costs shall be paid before the Complainant shall be at Liberty to amend his Bill.

XXXIV. If any Defendant stands out all Process of Contempt, or being brought into Court upon any such Process, obstinately refuses to answer, the Complainant's Bill shall be taken *pro confesso*, and the Matter thereof decreed accordingly.

XXXV. The Defendant shall put in his Answer to be filed with the Clerk in the Office within Two Month's after his Appearance; and if no Answer be then put in, the Clerk, upon Request, shall issue an Attachment returnable to the next Court; and, if no Answer is put in upon the Return thereof, such further Process of Contempt * may issue, as is issuable out of the High Court of Chancery in *England*, in like Cases.

XXXVI. No Process of Contempt shall issue without Oath made of the Service of the *Subpœna*, unless the same be returned, served by a sworn Officer.

XXXVII. When any Defendant shall be in Contempt, for want of an Answer after the first Attachment, his Answer shall not be received, but upon Paiment of Costs; and until he shall put in his Answer, and pay Costs, the Complainant may proceed against him for Contempt.

XXXVIII. If

XXXVIII. If any Defendant stands out further Pro- *Ann. 1727*
 ceels of Contempt than an Attachment, before he puts in Cap. 3.
 his Answer, on every Process subsequent thereto, the *Pag. 382.*
 Costs shall be doubled.

XXXIX. The Day of Appearance upon any *Subpœna*
 to answer, shall be on the Fourth Day after the Return
 Day therein-mentioned, as before provided, for entring
 Appearances at Common Law. *See Sect. 8, 9.*

XL. Every Defendant may swear his Answer before
 any Judge or Justice of the General Court, or before
 any Justice of the Peace.

XLI. When any Cross Bill shall be preferred, the
 Defendant, in the First Bill, shall answer thereto, be-
 fore the Defendant, in the Second Bill, shall be com-
 pellable to answer such Cross Bill.

XLII. The Complainant shall reply, or file Excep-
 tions, within Two Months after the Defendant's putting
 in his Answer ; or at the Expiration of that Time, the
 Defendant may give the Complainant a Rule to reply,
 with the Clerk ; on Expiration whereof, if no Replica-
 tion or Exceptions be filed, the Suit shall be dismiss'd,
 with Costs, and a Lawyer's Fee.

XLIII. If any Bill shall be dismissed for want of a
 Replication, or other Proceedings, the Court, if they see
 Cause, may order the same to be retained upon a Motion
 and Paiment of Costs.

XLIV. If the Complainant's Attorney gives Notice
 to the Defendant's Attorney, that he excepts against the
 Answer of any Defendant as insufficient, and gives a
 Rule with the Clerk to make a better Answer within
 Two Months, if the Defendant puts in a sufficient Answer,
 before Expiration of such Rule, it shall be received with-
 out Costs : But if the Defendant's Attorney insists on the
 Sufficiency of the Answer put in, and neglects or refuses
 to put in a sufficient Answer, or puts in another insuffi-
 cient Answer, the Plaintiff may, in a Month after, file
 his Exceptions, and set them down to be argued the next
 Court, giving the Defendant, or his Attorney, Ten Days
 Notice before the Day of Argument, and after Exceptions
 filed, or any Second insufficient Answer put in, no other
 Answer shall be received, but upon Paiment of Costs.

XLV. If, upon Argument, the Complainant's Excep-
 tions are over-ruled, or the Defendant's Answer adjudged
 insufficient, the Complainant shall * pay to the De- * *P. 383.*
 fendant, or the Defendant to the Complainant, such Costs
 as shall be allowed by the Court.

Q

XLVI. Upon

Ann. 1727 **XLVI.** Upon every Second or Third Answer adjudged
Cap. 3. insufficient, Costs shall be doubled.

Reg. 383. **XLVII.** If any Defendant puts in a Fourth insufficient
 Answer, which shall be so adjudged, such Defendant shall
 be examined upon Interrogatories, and committed, 'til he
 perfectly answers them, and pays Costs.

XLVIII. Upon adjudging any Answer insufficient,
 the Complainant may have one *Subpœna* for Costs, and
 another to make a better Answer; or one *Subpœna* for
 both, at his Election.

XLIX. If the Defendant, after Process of Contempt,
 puts in an Answer which shall be adjudged insufficient,
 the Complainant need not take out a new *Subpœna*, but
 may go on to the Attachment, with Proclamation, and
 other Process of Contempt, as if no Answer had been
 put in.

L. Rules to plead, reply, rejoin, and for further Pro-
 ceedings, shall be given from Month to Month, as before
 directed, for Rules to be given in Proceedings at Common
 Law. *See Sect.* 19.

LI. Where the Complainant conceives sufficient Matter
 to be confessed by the Defendant's Answer, he may set
 down the Cause for, and proceed to, a Hearing, giving
 the Defendant, or his Attorney, such Notice as is required
 for Trial of Issues at Common Law. *See Sect.* 22.

LII. No Defendant shall put in a Rejoinder, unless it
 be filed within Four Days after Expiration of the Rule
 to rejoin; but the Complainant may proceed to Exami-
 nation of Witnesses.

LIII. No Rule to rejoin shall be given before a Re-
 plication filed.

LIV. After an Attachment, with Proclamation re-
 turned, no Plea, or Demurrer shall be received, unless
 by Order of Court, upon a Motion.

LV. If the Complainant conceives any Plea, or De-
 murrer, to be naught for the Matter or Manner, he may
 set it down with the Clerk to be argued; or, if he
 thinks the Plea good, but not true, he may take Issue
 upon it, and proceed to Proofs, giving such Notice of
 hearing, as aforesaid. (*Sect.* 51.) And if such Plea is
 adjudged false, the Complainant shall have the same Ad-
 vantage, as if the Plea was found false, by Verdict at
 Common Law.

LVI. If a Plea be pleaded, or Demurrer put in, and
 over-ruled, no other Plea or Demurrer shall be received,
 but

but the Defendant shall answer to the Allegations of the Bill. Ann. 1727
Cap. 3.
Pag. 383.

LVII. The Complainant, a Month after a Plea or Demurrer put in, may cause the same to be set down to be argued; but if the Complainant shall not proceed to have the same so set down, before the Second Court after such Plea or Demurrer put in, the Bill may be dismissed of Course, with Costs, and Lawyer's Fee.

LVIII. The same Notice shall be given of arguing a Plea or Demurrer, as of hearing in other Cases. See Sect. 51.

* LIX. Upon a Plea or Demurrer argued and over-ruled, Costs shall be paid, as where an Answer shall be adjudged insufficient. And the Defendant shall answer within Two Months after; but if adjudged good, the Defendant to have his Costs. * Pa. 384.

LX. If any Defendant obstinately insists on a Demurrer, and refuses to answer, where the Court shall be of Opinion that sufficient Matter is alledged in the Bill to oblige him to answer, and for the Court to proceed upon, the Bill shall be taken *pro confesso*, and the Matter thereof decreed.

LXI. Commissions to examine Witnesses may be issued of Course, by the Clerk of the Court at any Time.

LXII. After any Bill filed, and before the Defendant puts in his Answer, upon Oath made, That any of the Complainant's Witnesses are aged and infirm, or going beyond Sea, whereby the Complainant thinks he is in Danger of losing the Benefit of their Testimony, the Clerk may issue a *Dedimus*, to take the Examinations of such Witnesses *de bene esse*, giving Notice, so as to be valid, if the Complainant has not an Opportunity to take their Examinations in the ordinary Course of Proceedings.

LXIII. When any Cause shall be at Issue, and the Examination of Witnesses returned, if the Complainant shall not, within a Month after, set it down for hearing with the Clerk, the Defendant may have it set down at his Request, and bring it to hearing, giving the Complainant, or his Attorney, such Notice as before directed. See Sect. 51.

LXIV. Every Person summoned to appear as a Witness at any County Court, and being an Inhabitant of the same County, shall be paid by the Person, at whose Suit the Summons issued, Thirty Pounds of Tobacco for every Day's Attendance thereon.

Ann. 1727 **LXV.** The Clerk of every County Court shall issue
Cap. 3. Summons for Persons, to attend as Witnesses upon any
Pa. 384. Survey of Land, ordered by the County Court. And if
 any Witnesses be Inhabitants of any other County, shall
 issue Summons into the County where such Witnesses in-
 habit, or most usually reside, directed to the Sheriff or
 Coroner of such County.

** Pa.* 385. **LXVI.** Any Person so summoned, and failing to at-
 tend at any County Court, shall * pay to the Person, at
 whose Suit the Summons issued, Three Hundred and
 Fifty Pounds of Tobacco; and be further liable to an
 Action on the Case, for what Damages such Person shall
 sustain, for want of such Witnesses Testimony.

LXVII. *Provided*, If sufficient Cause be shewn by
 such Person, at the Court next after such Failure, no Pe-
 nalty shall be incurred; otherwise, the said Court, on Mo-
 tion of the Party, for whom such Witness was summoned,
 may grant Judgment for the Forfeiture aforesaid, against
 such Person summoned, and failing to appear.

LXVIII. Any Justice may issue an Execution, direc-
 ted to the Sheriff or Constable, upon any Judgment by
 him given, in any Matter cognisable before him: And,
 upon Complaint, that any Debtor owing the Complainant
 under Twenty Shillings *Sterling*, or Two Hundred Pounds
 of Tobacco, is privately removing out of the County, or
 absconds, so that a Warrant cannot be served on him,
 any Justice, taking Bond and Security, pursuant to 9
Anne, cap. 11. (*See County Courts. Sect.* 7.) may grant
 an Attachment against the Estate of such Debtor, or so
 much thereof, as shall be of Value sufficient to satisfy the
 said Debt, returnable before himself, or any other Justice
 of the County, who shall proceed thereupon, as upon an
 Attachment returnable to the County Court.

LXIX. If any Attachment, returnable to the County
 Court, or before a Justice, be returned executed, and the
 Goods attached be not replevied, as the Law directs, the
 Plaintiff shall have Judgment for his whole Debt, and
 may take Execution thereupon: And all the Goods so
 attached, shall be sold, towards Satisfaction of the Plain-
 tiff's Judgment, as Goods taken upon a *Fieri facias*.

LXX. The several Acts of Parliament, commonly
 called Statutes of Jeofails, now in Force in *England*,
 for so much of them, as relates to any Mispleading, Jeo-
 fail, and Amendment, shall be in Force here.

† Pa. 386. **† LXXI.** The Justices of any County Court, may
 hear and determine all Suits brought, for any Debt or De-
 mand,

mand, due by Judgment, Obligation, or Account, of the Value of Twenty Shillings *Sterling*, or Two Hundred Pounds of Tobacco, and not exceeding Five Pounds Current Money, or One Thousand Pounds of Tobacco, by Petition. And may award Execution thereupon; and, upon filing any such Petition in the Clerk's Office, a Summons of Course shall issue, under the Hand of the Clerk, returnable to the next Court; which, together with a Copy of the Petition, shall be delivered to the Defendant, or left at the usual Place of his Abode or Residence, Ten Days before the next succeeding Court; and Oath being made of the due Service thereof, if the Defendant does not appear, the Justices may hear and determine the Cause upon the Evidence produced, or dismiss the Petition, as to them shall seem just. And if the Defendant appears, he shall put in such Answer or Plea thereto, as will bring the Matter of Complaint in Issue; and if he fails to plead, they shall instantly proceed to hear and determine the Cause in a summary Way, upon such Evidence as shall be given, and shall give Judgment, according to the very Right of the Cause, and as the Matter in Law shall appear, without Regard to Form, or want of Form, in the Process, Petition, or Course of Proceedings, so as sufficient Matter be set forth, whereupon the Court may give Judgment, according to the very Right of the Cause: In which Proceedings, the Defendant shall have the Benefit of all Matters in his Defence, that he might have had, if he had been sued in the ordinary Forms of Law.

LXXII. The Clerk of every County Court, shall issue Summons for Witnesses to attend the Trial of any such Petition; who shall be paid for Attendance, and be subject to the same Forfeiture, on Failure to appear and attend the Trial, as herein before mentioned. See Sect. 66, 67.

LXXIII. When any Process shall be sued for, or any Suit in Law or Equity prosecuted in any Court, or before any Judge or Magistrate, by Virtue of any Deputation or Power from any Person out of this Colony, against any Inhabitant thereof; such Person suing forth such Process, or prosecuting such Suit at the first Appearance, or any Time after, when required, shall give good Security with the Clerk of the Court, where such Process shall be sued out, or Suit depending, to pay to the Party prosecuted, all such Damages, Costs, and Charges, as upon the same Suit shall be awarded to him or her, by the Court, Judge,
or

Inn. 1727
Cap. 3.
Pag. 386.

Ann. 1727 or Magistrate, before whom the Suit shall be heard and
Cap. 3. determined: Or, on Failure, the Suit shall abate, and the
Pag. 386. Party prosecuted shall be thence dismissed, without Day.
** Pa.* 387. The Act of * 4 *Anne*, *cap.* 36. shall from henceforth
 be repealed.

LXXIV. This Act shall be in Force from the said
 Fifteenth Day of *April*, One Thousand Seven Hundred
 and Twenty Eight, for Four Years, and thence to the
 End of the next Session of Assembly.

Ann. 1732 LXXV. 5 & 6 *Geo.* 2. *cap.* 5. † The Act of 1 *Geo.*
Cap. 5. 2. *cap.* 3. shall stand and remain in full Force, and be
Pag. 472. perpetual.

† *Pa.* 473. LXXVI. Any Judge of the General Court, when
 the said Court is not sitting, may take Recognisance of
 Bail, in any Action there depending, which shall be ta-
 ken *de bene esse*; and if the Plaintiff, or his Attorney,
 excepts to the Sufficiency of such Bail, Notice thereof
 shall be given to the Defendant, or his Attorney, at least
 Ten Days before the next General Court; and if the Bail
 shall be judged insufficient by the Court, the Recognisance
 thereof shall be discharged, and such Proceedings may be
 had against the Defendant, as if no such Bail had been ta-
 ken: But if such Bail is adjudged sufficient, or is not ex-
 cepted to, in the Time aforesaid, such Bail shall stand,
 and be chargeable in the same Manner, as if the Recog-
 nisance had been taken in Court.

LXXVII. Where a Plea in Abatement pleaded in the
 General Court, is, upon Argument, adjudged insufficient,
 the Plaintiff shall recover against the Defendant full
 Costs, to the Time of over-ruling such Plea, including
 the Costs of that Court wherein it is over-ruled, (a Law-
 yer's Fee only excepted:) And the Plaintiff in Replevin,
 or the Defendant in any other Action, may, with the
 Leave of the Court, plead as many several Matters, as
 he shall think necessary for his Defence, so as they be not
 admitted to plead and demur to the Whole.

Ann. 1734 LXXVIII. 8 *Geo.* 2. *cap.* 13. The County Courts,
Cap. 13. and Court of Hustings for *Williamsburg*, shall proceed
Pag. 30. to Judgment, upon Suits brought by Petition, the Court
App. to which the Summons is returnable, without a Jury, or
 any Delay 'til another Court, without good Cause for
 such Delay.

LXXIX. In all such Suits, the Petition shall express,
 whether the Debt arises by Judgment, Obligation, Spe-
 cialty, or Account; and if by Account, the Clerk shall

annex a Copy thereof, to the Copy of the Petition with which the Defendant is served. *Ann. 1734 Cap. 13. Pag. 30.*

LXXX. When any such Petition is filed in less than Ten Days before the next Court Day, the Summons shall be made thereon, * returnable to the next Court * Day after the Court Day happening within that Time; and the Defendant being served therewith, and with a Copy of the Petition, and Account, if any; or if the same be left at the Defendant's usual Place of Abode or Residence, Ten Days before the Court to which the Summons is returnable, and Oath made thereof, the Court shall proceed to Judgment, according to 1 Geo. 2. cap. 3. *App. Pa. 31. App.*
See Sect. 71.

LXXXI. Where any Person entitled to an Action of Detinue or Trover, shall set forth the Value of the Thing demanded, to be under Five Pounds, in a Petition to any County Court, a Summons shall issue, and the Court shall hear and determine the same, as provided and directed for the Recovery of small Debts. (See Sect. 71.) And if in any Action of Detinue or Trover, the Plaintiff shall declare for any Thing of less Value than Five Pounds, exclusive of Damages, he shall be nonsuited; but not otherwise.

LXXXII. No Lawyer's Fee shall be taxed or allowed, in Bills of Costs, upon Judgments given in Suits brought by Petitions and Summons, as aforesaid.

JURIES.

§ I. 4 *Ann. cap. 32.* **E**VERY County Court, shall cause at least Twenty Four Freeholders of their County to be summoned to appear at *May*, and *November* Courts, Yearly; out of which shall be impannelled a Grand Jury, to be sworn to inquire into the Breach of the Laws, and present the Offenders: Which Grand Jury having made their Presentments, shall be discharged at the Adjournment of the Court; but if they can't agree upon their Presentments before such Adjournment, they shall finish them, and appear, and present the same at the next Court: And where they make any Presentment, upon the Information of any other Person than themselves, they shall write such Persons Names under such Presentment. *Ann. 1705 Cap. 32. Pag. 181.*

II. Any Freeholder so summoned, and failing to appear, (so as no Grand Jury can be impannelled,) shall be fined by the Court, Two Hundred Pounds of Tobacco to the Queen, &c. for the Use of the County.

III. If

Ann. 1705 III. If any County Court fails to give Order for summoning Twenty Four Freeholders; or, upon Appearance
Cap. 32. of Fifteen of * them, omits to swear a Grand Jury,
Pa. 181. every Member of such Court shall forfeit Four Hundred
 * *Pa.* 182. Pounds of Tobacco, to the Queen, &c. towards Support of this Government: To be recovered, by Action of Debt, Bill, Plaint, or Information, in any Court of Record, wherein no Effoin, Protection, or Wager of Law, shall be allowed.

IV. Every Sheriff failing to summon such Grand Jury, upon the Court's Order, and to return the Names of the Persons summoned, shall forfeit One Thousand Pounds of Tobacco, to the Queen, &c. To be recovered, as in Sect. 3, and for the same Use.

V. For Presentments to be made at the General Court, the Sheriff, or other Officer, attending such Court, may summon a Grand Jury of the By-standers, being Freeholders, who may make Presentment of any Offences committed within this Colony.

VI. The General Court, upon the First or Second Day of their Sitting, may make a Rule for the Sheriff, or other Officer, attending the said Court, to summon Twenty Four Persons, as aforesaid, to attend the Court for a Grand Jury: And every Person so summoned, and failing to appear, shall forfeit Four Hundred Pounds of Tobacco, to the Queen, &c. To be recovered, as in Sect. 3, and for the same Use.

VII. *Provided*, No Grand Jury shall make Presentments, as of their own Knowledge, upon the Information of less than Two Persons of their own Number.

VIII. For Trial of all Causes, (Treason and Felony excepted,) both in the General and County Courts, the Sheriff, or other Officer, attending the Court, shall, every Morning the Court sits, summon a sufficient Number of the By-standers qualified, as hereafter directed, to attend the Court for that Day; that out of them, a sufficient Jury may be impannelled: And every By-stander so summoned, and failing to attend the Court, so as a sufficient Jury cannot be impannelled, shall be fined, by the Court, Four Hundred Pounds of Tobacco, to the Queen, &c. towards Support of this Government.

† *Pa.* 183. * IX. The next Clause relating to Juries, for Trial of Treasons and Felonies, is omitted, being altered by 8 *Geo.* 2. *cap.* 7. *Which see Criminals.* Sect. 9.

X. No Person shall be capable to be of a Jury for Trial of any Treason, Felony, Breach of the Peace, Mis-
 prison,

prison, Breach of any Penal Law, or any Pleas of the Crown, or of any Estate of Freehold, or any Estate or Title in or to any Lands, Tenements, or Hereditaments, in any Court, unless he be a Freeholder, and possessed of a visible Estate Real and Personal, of at least the Value of One Hundred Pounds *Sterling*: And for Trial of any Cause whatsoever in the General Court, every Juror shall be a Freeholder, and possessed of such Estate, of the Value at least of One Hundred Pounds *Sterling*, as aforesaid. And no Person shall be capable to be of a Jury, for the Trial of any Cause whatsoever in the County Court, unless he be possessed of a visible Estate Real and Personal, of the Value of Fifty Pounds *Sterling*, at the least: And no Sheriff, or other Officer, shall summon or return any Person to serve as a Jurymen in any Court, who shall not be capacitated for the same, according as herein before directed. *Ann. 1705*
Cap. 32.
Pag. 183.

XI. *Provided*, The Exceptions to be taken to any Jurymen, on Account of his Estate, shall be taken before he be sworn, or else not allowed.

XII. All Acts, &c. relating to any thing within the Purview of this Act, repealed.

L A N D S.

§ I. 13 *Car. 2.* **I**F any Person hath (a) built or seated upon any Lands supposed his own, but proving upon a just Survey, to belong to another, the Charge of such Building, Seating, or Clearing, shall, by Twelve Men, upon their Oaths, be indifferently valued; and the Consideration, by them so adjudged, shall be paid by the Owner of the Land to such Seater: But if he is not willing to disburse so much, the said Twelve Men shall make a Valuation of what the Land was worth before Seating, which the Seater shall accordingly pay to the Owner. *Ann. 1661*
Cap. 70.
Pag. 16.

II. *Provided*, No Consideration be allowed for building or clearing, to any Person who shall obstinately persist, after lawful Warning given him to desist.

III. 9 *Anne, cap. 13.* No Estate of Inheritance in Fee Simple, Fee-Tail, General or Special, Estate for Life or *Ann. 1713*
Cap. 1.
Pag. 257.

(1) *Quere*, If this can be extended to Lands so seated, after making this Act.

Ann. 1710 Lives, or any greater or higher Estate in any Lands, Te-
Cap. 13. nements, or Hereditaments, shall pass or take Effect in
Pag. 257. any Person; or any Use thereof be made, by Bargain and
 Sale, Lease and Release, Deed of Settlement to Uses,
 Feoffment, or other Instrument, unless made by Writing,
 indented, sealed, and recorded in the General Court, or
 Court of the County where the Lands, &c. lie, within
 Eight Months from the Sealing and Delivery, if the
 Grantor be a Resident within this Colony; or within Two
 Years from such Sealing and Delivery, where the Grant-
 or is a Resident of any other Place.

IV. *Provided*, No such Bargain and Sale, Lease and
 Release, Deed, Feoffment, or other Instrument, shall be
 admitted to Record, unless acknowledged in Court, by
 the Person or Persons making or sealing the same, or by
 some or one of them, or Proof made of such making and
 sealing, upon Oath, by Three Witnesses at the least.

V. Any Conveiance in Writing, indented and sealed
 by Husband and Wife, and by them personally acknow-
 ledged in the General or County Court, as aforesaid,
 (the Wife being first privately examined whether she
 doth voluntarily assent thereto) is, and shall be as valid
 in Law, to convey all the Estate and Title which such
 Wife may or shall have in any Lands, Tenements, or
 Hereditaments so conveyed, whether in Right of Dower,
 Fee-Simple, or any other Estate, (not being Fee-Tail,) as
 if done by Fine and Recovery, or any other Ways or
 Means whatsoever.

VI. No Estate in Fee-Tail General or Special in any
 * *Pa. 258.* Lands, * Tenements, or Hereditaments, shall be defeat-
 ed or cut off by Fine, Recovery, or any other Way, than
 by an Act of Assembly, in every such Case respectively
 to be made; but every Fine, Recovery, or other Act
 executed and done for that Purpose, except by Act of As-
 sembly, shall be entirely void.

VII. All Deeds for Land heretofore acknowledged and
 recorded, or registred in the Council-Books, or recorded
 in any other County Court, than where the Lands lay;
 and all Deeds for Land, *bona fide* made, tho' not indented
 or sealed, or having no valuable Consideration therein
 † *Pa. 259.* expressed; all Assignments endorsed on Patents, † and all
 Deeds, *bona fide* made and proved in Court, by the Oaths
 of Two or more credible Witnesses, to have been the Acts
 and Deeds of the Persons therein mentioned, to have seal-
 ed and delivered the same, and a Record thereof made:
 And all such Deeds so *bona fide* made, where Livery and
 Seisin

Seisin might have been requisite, where the Person to whom the same hath been conveyed, hath actually entred thereupon; and they, and those who have their Rights, do still continue in Possession thereof, by Virtue of such Deeds, shall respectively be as valid in Law, and take Effect as fully to the Benefit of all Persons respectively in Possession thereby, and to their Heirs and Assigns, as if such Deeds were recorded within Six Months, according to the former Law, in the General Court, or in that County Court where the Lands lay; and as if they were indented and sealed, and a valuable Consideration therein expressed; and as if the said Assignments had been made, and the Lands therein mentioned, conveyed in due Form of Law; and as if such Deeds had been really acknowledged in Court, by the Grantor himself in Person; and as if Livery of Seisin had been on such Deeds made in due Form of Law, and not otherwise; any Law, Statute, or Custom, notwithstanding.

VIII. *Provided*, Nothing herein shall be construed so as to confirm any Lands, Tenements, or Hereditaments, to any other Persons than those now in actual Possession thereof, and such as from Time to Time hereafter shall claim under them.

IX. When any Deeds for Lands, &c. shall be hereafter acknowledged or proved in any Court, in order to be recorded, the Livery of Seisin thereupon made (where the same is by Law required) shall also be acknowledged or proved and recorded with such Deed.

X. All Writs of *Formedon in Descender, Remainder*, or *Reverter* of any Lands, Tenements, and Hereditaments, shall be sued and taken within Twenty Years next after the Title and Cause of Action first accrued, and not after: And all * Entries into any Lands, Tenements, or Hereditaments shall be made within Twenty Years next after the Right or Title of Entry accrued, or the Persons not Entering, and their Heirs, shall be utterly excluded from such Entry afterwards. * P. 260.

XI. *Provided*, If any Person entitled to such Writ or Writs, or having Right or Title of Entry, shall, at the Time of such Right or Title first accrued, be within the Age of Twenty One Years, Feme Covert, *Non Compos Mentis*, imprisoned, or out of the Country; such Person, and his or her Heirs may, notwithstanding the said Twenty Years expired, bring Action, or make Entry within Ten Years next after the Disability removed, or Death of such Person so disabled, and not after.

Ann. 1710
Cap. 13.
Pag. 260.

XII. No Person shall sue or maintain any Writ of Right, or make any Prescription, Title, or Claim to or for any Lands, Tenements, Rents, Annuities, or other Hereditaments, of the Possession of his or her Ancestor or Predecessor; unless such Possession shall have been within Thirty Years next before the Teste of such Writ, or next before such Prescription, Title, or Claim brought, made, or had. And no Person shall sue or maintain any Affize of *Mort d' Ancestor*, *Cofinage*, *Ayel*, Writ of Entry upon Disseisin done to any of his Ancestors or Predecessors, or any other Action possessory, upon the Possession of any of his Ancestors or Predecessors of any further Seisin or Possession; but only of his Ancestor or Predecessor which was or shall be seised within Thirty Years before the Teste of such Writ: And no Person shall sue or maintain any other Action, Writ, or Suit for any Lands, Tenements, or other Hereditaments, upon his own Seisin or Possession, or the Seisin or Possession of any other Person (whose Right he or she shall have) above Thirty Years next before the Teste of such Writ.

XIII. *Provided*, If any Person entitled to any of the Writs, Actions, or Suits aforesaid, be, at the Time of such Right or Title first accrued, within the Age of Twenty One Years, Feme Covert, *Non Compos Mentis*, imprisoned, or out of the Country; * such Person, and his or her Heirs, may, notwithstanding the said Thirty Years expired, bring Suit, or make Prescription, Title, or Claim within Ten Years, next after the Disability removed, or Death of such Person so disabled, and not after.

XIV. *Provided*, Persons out of the Country, having Pretence of Right to any Lands, Tenements, or Hereditaments in this Colony, where they, or those under whom they claim, have not been in actual Possession thereof, within Twenty Years last past, may commence and prosecute their Suit, for Recovery thereof, within Ten Years, next after the last Day of *May*, 1711, and at no Time after.

XV. All Patents formerly granted by the Governor, or Commander in Chief, shall be valid in Law, to convey and assure the Lands therein granted to the Grantees, their Heirs and Assigns, now being in Possession thereof; altho' the same are not to be found among the Records in the Secretary's Office, or have not been duly recorded, or for which Rights have not been legally obtained.

XVI. Upon passing any Patent for Land, the Secretary shall cause the same to be truly entred upon the Records of his Office, with the Certificates for Rights, by
Importation,

Importation, or Money paid to the Receiver-General, *Ann. 1710*
whereupon such Patent shall have been obtained. *Cap. 13.*

XVII. If upon a new Survey of Lands heretofore *Page. 261.*
granted, there shall appear to be a greater Number of
Acres within the Bounds expressed, than are * mentioned * *Pa. 262.*
in the Patent, the Proprietor and Possessor of such Lands
may sue forth a new Patent, expressing more exactly the
just Quantity, without being obliged to make any new
Seating; notwithstanding the Proviso for that Purpose in
such new Patent, or any thing in this Act, to the contra-
ry. And where any Person hath heretofore taken up a
Tract of Land adjoining any Land, theretofore in such
Person's Possession, and shall thereupon have obtained a
double Patent, wherein both Tracts shall have been join-
ed together; such Person shall not be obliged to make
any new Seating, by Reason of the Two Tracts being
joined in One; notwithstanding any thing in the Proviso
of such double Patent.

XVIII. *Provided*, Nothing herein shall be construed
to give Liberty to any Person hereafter to sue forth such
double Patent, and to enjoy the Lands therein granted,
(by Virtue thereof) without seating that Part of the
Land so taken up and joined to the Land formerly in
such Person's Possession, according to the Proviso in such
Patent.

XIX. If any Person shall hereafter obtain a Patent for
any Land, and shall fail to seat the same within Three
Years, or to pay the full Quit-Rents, for the Quantity
in such Patent mentioned, for the Space of Three Years;
such Person, besides losing such Land, shall forfeit and
lose all Benefit of those Rights, on which such Patent
was obtained.

XX. No Patent shall be granted to any Person for any
Land, as forfeited for want of Seating, or Non-payment
of Quit-Rents, as aforesaid, until Three Years expired,
after the Date of the first Patent; nor until Judgment
and Certificate obtained from the General Court, in man-
ner following: The Person desiring a Grant of such for-
feited Land, shall petition the Governor, or Commander
in Chief, therein setting forth, what County the Land
lies in, to whom it was formerly granted, for what Cause
it is become forfeited, and in what County the Grantee
resides; and shall, at the same Time, file a Copy of
such Petition in the Secretary's Office; whereupon, the
Clerk shall issue a Writ to the Sheriff of the County where
the Grantee resides, to summon such Grantee to appear,

Ann. 1710 on a certain Day of the next General Court, to shew
Cap. 13. Cause why such Land may not be granted to the Party
Page. 263. petitioning for the same: Which Writ shall be served on
 such Grantee, by the Sheriff, or Under-Sheriff, of the
 County where he resides; and if, upon the Return there-
 of so served, such Grantee, or some Person in his Behalf,
 does not appear, and make sufficient Proof that the said
 Land hath been seated, or the Quit-Rents thereof paid,
 the General Court shall adjudge the said Land to be for-
 feited, and vested again in the Crown, and shall cause
 an Order or Judgment to be entred accordingly, and
 shall certify the same to the Governor, or Commander
 in Chief; and also, that it doth appear to them, that the
 then Prosecutor was the first Petitioner for the said Land,
 and hath pursued the same with Effect: Which Certifi-
 cate shall entitle the Party obtaining the same, to have a
 Patent for the Land, in the same Manner, and under the
 same Restrictions and Provisoos, as Land not before pa-
 tented. And if there be a greater Quantity of such for-
 feited Land than shall be granted to such Petitioner, the
 Residue shall be granted to such other Person or Persons
 as shall petition for the same, under the like Restrictions
 and Provisoos.

XXI. *Provided*, If it appears upon Trial, that such
 Land so petitioned for, shall have been seated by the first
 Patentee, or those claiming under him, before the exhibit-
 ing of such Petition; such Seating (tho' not made within
 Three Years after the Date of the Patent) shall be ad-
 judged a sufficient Seating, to fulfil the Proviso in such
 Patent.

XXII. *Provided*, Where any Person shall obtain a
 Patent for Land, and shall die within Three Years after
 the Date of the Patent, without Seating, or paying the
 Quit-Rents, and such Land shall descend to any Infant,
 Feme Covert, or Person out of the Country; such Land
 shall not be adjudged to be forfeited, for Non-payment of
 the Quit-Rents, or for not Seating thereon, until Three
 Years after the Death of such Patentee: And if the Guar-
 dian to such Infant, or Husband of such Feme Covert,
 shall suffer such Land to lapse, for want of Seating, or
 Non-payment of the Quit-Rents, within the said Three
 Years; such Guardian or Husband, and their Heirs, Exe-
 cutors, and Administrators, shall respectively be liable to
 answer the full Value of the Land so forfeited, unto the
 Heir at Law, after his or her coming of full Age, or Dis-
 coverture. (See Sect. 40, 41, 42.)

XXIII. No

XXIII. No Person shall take up and patent any *Ann. 1710*
 Swamps, Marshes, or sunken Grounds, contiguous to the *Cap. 13.*
 high Land of any Person before patented, until such Per- *Pag. 264.*
 son intending to take up the same, shall, in Pretence of
 Two Witnesses, have given Notice of his Intentions to
 the Proprietor and Possessor of such high Land, and 'til
 One Year expired, after such Notice given; and then such
 Person, his Heirs or Assigns, may take up and patent
 the same: In which Patent, shall be particularly expres-
 sed, whether such Lands are Swamps, Marshes, or sunken
 Grounds, and to whose high Lands they are adjoining:
 And every Patent obtained, contrary to the true Intent
 hereof, shall be absolutely void: And if any Controver-
 sy arises concerning such Notice being given, as aforesaid,
 within Five Years after such Person shall be in actual Pos-
 session of such Swamps, Marshes, or sunken Grounds, the
Onus Probandi shall lie upon the Person who ought to
 have given such Notice; but if no such Controversy arises
 within that Time, Five Years Possession shall be taken as
 good Proof, that Notice was duly given.

XXIV. *Provided*, Nothing herein shall extend to give
 Liberty to any Person to take up and patent any such
 Swamps, Marshes, or sunken Grounds, contiguous to the
 high Lands of any Feme Covert, Infant, or Person *Non*
Compos Mentis, on Pretence of such Notice being given
 to any of them, or to the Husband, Guardian, or other
 Person in Possession thereof.

XXV. No Person may enter for any Parcel of Land held
 of the Crown, by Reason of its being Surplus Land within
 any Patent, until such Person intending to take up and pa-
 tent the same, shall have given Notice to the Party hold-
 ing such Land, in like Manner as is directed in Sect. 23,
 for Marshes, Swamps, and sunken Grounds, and until
 One Year expired, after such Notice: And if the Posses-
 sor of such Land shall not within the said Year obtain
 Rights for the said Surplus Land, and give an Account to
 the Sheriff of the County where such Land lies, of the just
 Quantity held by him, and pay all the Quit-Rents due
 for the same, from the Publication of this Act; the Per-
 son who gave such Notice, may survey the said Land
 at his own Charge, and sue forth a new Patent for all the
 Surplus Land found within the Bounds \dagger of the Patent, \dagger *Pa. 265.*
 Deed, or other Title or Conveiance, by which the same is
 held: Which Land shall be granted to him in the same
 Manner, and under the like Restrictions and Conditions,
 as Lands not before patented.

XXVI. *Pro-*

Ann. 1710 XXVI. *Provided*, The Patentee or Possessor may assign the Surplus Land to the Person claiming the same, *Cap. 13.* in what Part of the Tract he pleases, in one entire Piece. *Page 265.*

XXVII. *Provided also*, That if upon Notice given, as aforesaid, the Person in Possession shall, within the said Year, survey his Tract, and it be found that he hath no more Land than he pays Quit-Rents for, the Person giving such Notice, shall be liable to pay all the Charge of the said Survey, for his unjust Vexation, and be liable to an Action on the Case for the same, at the Suit of the Party grieved: And in all such new Surveys, an Allowance shall be made to the Patentee or Possessor of Five Acres, for every Hundred, for Variation of Instruments.

XXVIII. Once in every Four Years, the Bounds of every Person's Land shall be processioned or gone round, and the Land-Marks renewed, in Manner following: Every County Court, at some Court between the First of *June*, and First of *September*, 1711; and so between the First of *June*, and First of *September* every Fourth Year afterwards, by Order of Court, shall direct the Vestry of each Parish in their County, to divide their Parish into so many Precincts, as to them shall seem convenient, for Processioning every particular Person's Land in such Parish; and to appoint the particular Times, between the Last of *September*, and Last of *March* then next coming, when such Processioning shall be made in every Precinct; and also to appoint, at least, Two intelligent honest Freeholders of every Precinct, to see such Processioning performed; and to take and return to the Vestry, an Account of every Person's Land they shall procession, and of the Persons present at the same, and what Lands in their Precinct they shall fail to procession, and the particular Reasons of such Failure: Which Order shall be signified in Writing, to the Churchwardens of every Parish, within every County, by the Clerk of the Court, within Ten Days after making the same; and thereupon, the Churchwardens shall cause a Vestry to be summoned to meet within Ten Days after the Receipt of such Order: At which Vestry, such Order shall be exactly obey'd in every Particular. And thereupon the Churchwardens shall give Notice at the Church or Chapel of the Parish, at least Three *Sundays* before the same is to be performed, of the Persons and Times so appointed by the Vestry for Processioning, in every several Precinct.

XXIX The Vestry shall cause the Accounts of the Two Freeholders made and returned, as aforesaid, to be registered

registered in particular Books kept for that Purpose, by *Ann. 1710*
 the Clerk of the Vestry, to prevent Mistakes or Omit- *Cap. 13.*
 tions; in which Register, the Churchwardens, in Pre- *Pag. 265.*
 sence of the Vestry, shall examine the same, and com-
 pare it with the original Returns, within Six Months af-
 ter the Returns from Time to Time made; and shall cer-
 tify the same, by setting their Hands to an Attestation
 thereof, in the Register to be examined and compared.

* XXX. The Vestry shall direct what Precinct in their **Pag. 266.*
 Parish every particular Freeholder thereof shall attend, to
 perform the Processioning of, as aforesaid: And if any Pa-
 rish shall lie in Two Counties, each County Court's Order
 shall be signified to the Churchwardens, as aforesaid, and
 be obey'd by the Vestry, in Manner before directed.

XXXI. The County Court, Vestry, Churchwardens,
 or Clerk of the Court, failing to perform their Duty re-
 spectively, shall forfeit, as follows: Every Justice of
 such County Court, One Thousand Pounds of Tobacco;
 every Member of such Vestry, Two Hundred Pounds of
 Tobacco; every Churchwarden, Five Hundred Pounds
 of Tobacco; and every County Court Clerk, One Thou-
 sand Pounds of Tobacco: One Moiety of the said Forfei-
 tures to the Queen, &c. towards Support of this Govern-
 ment; the other to the Informer: To be recovered, with
 Costs, by Action of Debt, Bill, Plaint, or Information,
 in any Court of Record; no Essoin, Protection, or Wa-
 ger of Law, to be allowed.

XXXII. *Provided*, Upon any Information or Suit
 brought against any Justice, Vestryman, or Churchwar-
 den, for Breach of this Act, the Defendant may give in
 Evidence to the Court, that he was necessarily absent
 from such Court or Vestry, or being there, offered to do
 his Duty; whereupon, such Information or Suit shall be
 dismiss'd: And if any other Person, not having a lawful
 Excuse, fails to perform his Duty herein, he shall forfeit
 Five Hundred Pounds of Tobacco: To be recovered,
 with Costs, by the Churchwarden or Churchwardens of
 the Parish where such Forfeiture shall be incurred; to be
 applied towards purchasing Ornaments for the Church or
 Chapel.

XXXIII. Processioning any Person's Land Three se-
 veral Times, in Manner aforesaid, shall be sufficient to
 settle the Bounds thereof, so as the same may never af-
 ter be altered.

XXXIV. If the Owner of any Lands shall refuse to
 have them processioned, the Two Freeholders appointed

Ann. 1710 to proceſſion the ſame, ſhall, within Ten Days after
Cap. 12. ſuch Refuſal, certify the ſame, under their Hands, to
Pag. 266. the Churchwardens of the Pariſh where ſuch Lands lie,
 who ſhall carry the ſaid Certificate to the next Sitting of
 the Court from which the Order for Proceſſioning ſuch
 Lands iſſued: Which Court ſhall order the Surveior of
 their County, with a Jury, to lay out and proceſſion the
 † *Pa.* 267. ſame, at the Charge of the Perſon ſo refuſing, † and to
 return the Survey thereof, with the Proceedings, to the
 next Court after the Survey made: Which Survey and
 Proceedings ſhall be recorded in the Records of the ſaid
 County Court; and a Copy thereof ſhall be ſent by the
 Clerk of the ſaid Court, within Ten Days after Return
 thereof, to the Churchwardens of the Pariſh where the ſaid
 Lands lie, and ſhall be regiſtered in the Veſtry Book of
 ſuch Pariſh: And if ſuch Lands lie in more Counties than
 one, a Certificate ſhall be made to each of the ſaid Coun-
 ty Courts, in Manner aforeſaid: Whereupon, the Court of
 that County, in which the Beginning of the Bounds of
 ſuch Lands ſhall lie, ſhall order the Surveior, with a
 Jury of their County, to ſurvey and proceſſion the whole
 Bounds of ſuch Lands; and the Sheriff of each County
 ſhall attend ſuch Survey in his reſpective County: Which
 Surveys, in Manner aforeſaid made, ſhall be taken to be
 as ſufficient a Proceſſioning of the ſaid Lands, as if made
 and done with the Owner's Conſent: And every Juſtice,
 Churchwarden, County Court Clerk, and other Perſon,
 failing to perform his Duty herein, not having a lawful
 Excuse, ſhall forfeit the like Penalties, as are before in
 this Act (Sect. 21, 32.) laid on them reſpectively: To
 be recovered in like Manner, and to the ſame Uſes.

XXXV. *Provided*, The Proceſſioning any Lands of
 Tenant for Life, ſhall not bar the Heir in Reverſion or
 Remainder; but ſuch Heir, at any Time within Six Years
 after the Death of ſuch Tenant for Life, may controvert
 the ſaid Bounds, as if ſuch Proceſſioning had never been
 made.

XXXVI. *Provided alſo*, That the Proceſſioning the
 Lands of any Infant, Feme Covert, Perſon *Non Compos*
Mentis, imprifoned, or out of the Country, ſhall not be
 concluſive to ſuch Perſon, until the Expiration of Six
 Years after the ſaid ſeveral Incapacities removed.

XXXVII. Every Proceſſioning of Lands made accord-
 ing to 4 *Ann. cap.* 21. ſhall be deemed one of the Three
 ‡ *P.* 268. Times of Proceſſioning, by this Act ‡ declared ſufficient
 to ſettle the Bounds of Lands, ſo as the ſame may never
 be altered.

XXXVIII. *Eve-*

XXXVIII. Every Person shooting, hunting, or ranging, upon the Lands; or fishing or fowling in any Creeks, or Waters included within the Lands of any other Person, without Licence first obtained of the Proprietor; and being thereof convicted by Confession, or the Oath of One Witness, shall forfeit, for every such Offence, Five Hundred Pounds of Tobacco: To be recovered, with Costs, by the Party grieved, to his own Use, by Action of Debt, Bill, Plaint, or Information, in any Court of Record; no Effoin, Protection, Privilege, Wager of Law, or more than One Imparlance, to be allowed; and shall be further liable to an Action at the Common Law, wherein the Party grieved, shall recover his Damages: And if any Person shall be a Third Time convicted, in Manner aforesaid, of such shooting, hunting, fishing, fowling, or ranging, the Justices of that Court, over and above giving Judgment for the Forfeiture aforesaid, shall commit such Person to the Common Goal, until he finds sufficient Sureties to be bound with him, in the Sum of Ten Pounds *Sterling*, for his Good-behaviour for One Year next coming; and if in that Time, he shall be again found guilty, in Manner aforesaid, of any such Offence, the same is hereby declared to be a Breach of the Good-behaviour.

XXXIX. The Act of 4 *Ann. cap. 21*, and all other Acts relating to any thing within the Purview of this Act, repealed.

XL. 11 *Annæ, cap. 4*. Where any Person shall obtain a Patent for Land, and die within Three Years after the Date of such Patent, without seating the same, or paying the Quit-Rents, and the Inheritance of such Land shall descend to any Infant; the Court of that County, where such Infant's Parent or Ancestor died, shall take Security of such Infant's Guardian, duly to pay the Quit-Rents of all Lands to such Infant descended, and shall Yearly inquire how the same is performed.

XLI. Where there shall not be sufficient Distress found upon any Infant's Land, to satisfy the Quit-Rents due for the same, the Sheriff may distrain the Goods and Chattels of such Guardian, for Paiment of the same: And if, through Neglect of the County Courts to take such Bonds, or of the Sherifs to make Distress, as aforesaid, the Quit-Rents for Infants Lands shall not be paid, nor any Seating made thereon, the Land shall not be forfeited, for not Seating, or not paying the Quit-Rents, until Three Years after such Infant's coming of Age: And if

Ann. 1712. such Lands so descending to such Infant, shall be seated,
Cap. 4. and the Quit-Rents due, from the Date of the Patent,
Pag. 283. paid within Three Years after such Infant's coming of
 Age, the same shall be adjudged a sufficient Performance
 of the Condition and Limitation of the Patent.

* *Pa.* 284. * XLII. *Provided*, When in such Case the Inheritance
 of any Land shall descend to an Heir Female, who shall
 marry before she attains the Age of Twenty One Years,
 the Three Years by this Act allowed for Seating, and pay-
 ing the Quit-Rents, shall be accounted from the Time of
 such Coverture, and not otherwise.

Ann. 1713. XLIII. 12 *Annæ*, *cap.* 3. No Survey of Lands shall
Cap. 3. hereafter be made, in order to obtain a Patent, but by a
Pag. 288. sworn Surveior, duly commissioned: And in all such
 Surveys, the Breadth of the Tract shall bear at least the
 Proportion of one Third Part of the Length, except where
 the Courses are interrupted by Rivers, Creeks, unpassable
 Swamps, or the Bounds of Lands before taken up: And
 in all such Surveys, the Surveior is required to take par-
 ticular Notice, according to the best of his Judgment,
 how much of the Land so surveied is plantable, and how
 much barren and unfit for present Cultivation; and to in-
 sert, in the Survey and Plat by him returned into the Se-
 cretary's Office, the true Quantity of each Kind.

XLIV. For all Lands surveied before the Last Day of
October, 1713, one Third Part of the Tract mentioned
 in each Survey, shall be accounted plantable, and the
 other Two Thirds barren.

† *Pag.* 289. † XLV. For every Fifty Acres of Land accounted
 plantable, the Patentee shall, within Three Years after
 the Date of the Patent, clear, tend, and work Three
 Acres, and so proportionably for a greater or lesser Quan-
 tity, in some Part of the Tract; or else clear and drain
 Three Acres of Swamp or sunken Grounds; or drain Three
 Acres of Marsh, if any such within his Bounds: And
 for every Fifty Acres of the said Land accounted barren,
 such Patentee shall, within the Time aforesaid, put and
 keep on the said Tract Three Neat Cattle, or Six Sheep
 or Goats; which shall be kept thereon, 'til Three Acres
 for every Fifty be fully improved, cleared, and tended.

XLVI. If any Person shall take up a Tract of Land,
 of which no Part is fit for present Cultivation, without
 manuring and improving the same; such Patentee shall,
 within Three Years after passing such Grant, build on
 some Part of such Tract one good Dwelling-house, after
 the Manner of *Virginia* Building, at least Twenty Feet
 long,

long, and Sixteen Feet broad; and put and keep thereon *Ann. 1713*
 Three Neat Cattle, or Six Sheep or Goats for every Fif- *Cap. 3.*
 ty Acres of the said Land. And if any Person shall *Pag. 289.*
 take up and patent any stony or rocky Grounds, not fit
 for Planting or Pasturage, if such Patentee, within Three
 Years after passing his Grant, begins to employ thereon,
 and so continues to work for Three Years then next com-
 ing, in digging of any Stone Quarry, Coal, or other
 Mines, one good able Hand for every Hundred Acres of
 the said Tract; such Improvement shall be accounted a
 sufficient Seating, within the Meaning of this Act.

XLVII. *Provided*, That every Three Acres of Land
 cleared, tended, and worked, as aforesaid, or cleared and
 drained, as aforesaid, shall be accounted a sufficient Seat-
 ing or Improvement, to save from lapsing Fifty Acres, in
 any Part of the Tract within the Bounds of the same Pa-
 tent; and the Patentee, his Heirs and Assigns, may after
 withdraw his Stock, or forbear working in any Quarry or
 Mine, in Proportion to such Improvements as shall be
 made upon the plantable Lands, Swamps, sunken Grounds,
 and Marshes, included in the same Patent.

XLVIII. For all Lands entred for, and surveyed, be-
 fore the Eighth Day of *December*, 1710, for which Pa-
 tents shall hereafter be sued out, there shall be allowed
 Five Years, after the Date of * the Patent to each Pa- * *Pa. 290.*
 tentee, to make such Seating and Improvement, as by
 this Act is prescribed.

XLIX. When any Land is sued for as lapsed, the Pa-
 tentee shall reserve such Quantity thereof, as his Im-
 provements are sufficient to save; and may allot the Re-
 sidue which shall be found lapsed, to the Person claim-
 ing the same, in any Part of the Tract, in One entire
 Piece.

L. *Provided*, Nothing herein, shall be construed to
 oblige the Patentee of any Lands heretofore granted, to
 make any further Cultivation thereon, than was required
 by the Laws and Instructions in Force, at the Time of
 obtaining the Grant thereof.

LI. *Provided nevertheless*, That every Patentee shall
 duly pay the Quit-Rents for the said Lands; and upon
 Non-payment for Three Years, at any Time after the
 Date of his Patent, all his Estate shall be utterly void,
 and every Part of the said Land shall revert to Her Ma-
 jesty, her Heirs and Successors, notwithstanding the Seat-
 ing and Improvement thereof, as aforesaid.

LII. *Pro-*

Ann. 1713 LII. *Provided also*, That in all Grants to be made
Cap. 3. of Lands forfeited, for not complying with the Condi-
Act. 290. tion in the first Grant, the same Proceedings shall be had,
 as are directed by 9 *Ann. cap.* 13. (*See Sect.* 20.)

LIII. When any Person hath seated or improved any Land already patented, or to be patented, or any Part thereof, according to the Directions of this Act; such Patentee may prove such Seating and Improvement in the General Court, or Court of the County where such Land lies, and have the same certified to the Secretary's Office, and there entred, with the Record of the Patent; a Copy of which shall be admitted as good Evidence on any Trial, to prove the Seating and Planting of such Land.

LIV. All Lands hereafter seated or improved, according to the Directions, and within the Time in this Act mentioned, shall not be deemed forfeited, for not complying with the Condition of cultivating and improving, mentioned in the Grant thereof.

LV. This Act to commence after the First Day of *December*, 1714, unless Her Majesty, in the mean Time, signifies her Disapprobation thereof.

Ann. 1720 LVI. 7 *Geo.* 1. *cap.* 3. If the Patentee of any Land
Cap. 3. not yet seated, shall clear and fence any Ground for Pas-
Act. 307. turing; for every Three Acres of such Land well cleared
 and fenced, and used Three Years for a Pasture, such Patentee shall save Fifty Acres of such Land.

LVII. If the Patentee of any Land not yet seated, shall expend any Money or Tobacco, in building Houses, Water-Mills, or other Works; planting Trees, and quick-set Hedges; or making other Improvements thereon, not mentioned in 12 *Ann. cap.* 3; such Patentee, for every Ten Pounds Current Money, or the Value thereof in Tobacco so expended, shall save Fifty Acres of such Land, and so proportionably for a greater or lesser Sum so expended.

LVIII. The Court of the County where such Lands lie, upon Application of the Patentee or Proprietor, his Attorney, Steward, or Overseer, shall order the Buildings, Works, and Improvements aforesaid, to be viewed by Two or more honest and indifferent Men, to be sworn truly to value the same, according to the best of their Judgment, having Regard to such Accounts of the Expence thereof, as such Patentee or Proprietor, his Attorney, Steward, or Overseer shall produce and make out to them, by Oath, or otherwise: And such Valuation so made and returned, shall be recorded in particular Books
 for

for that Purpose, and shall be adjudged sufficient Proof *Ann. 1720*
 of the Cultivation and Improvement, so as to save so *Cap. 3.*
 much of the Land from lapsing, as by this Act is di- *Pag. 307*
 rected.

LIX. *Provided*, The several Kinds of Buildings and Improvements shall be specially mentioned, and upon what Part of the Land the same are made; and before such Valuation is admitted to Record, the Proprietor, his Attorney, Steward, or Overseer, shall make Oath in Court, that none of the said Improvements have been before valued and recorded, in order to the saving any of the said Lands.

LX. If any Person shall include Two or more Tracts of Land in one Patent, * the Improvements made on any * *Pa 308.*
 Part of the said unjoined Tracts, shall be deemed to extend towards saving of the Whole, in Proportion to the several Improvements made thereon.

LXI. *Provided*, Nothing herein, shall be construed to oblige the Patentee of any Lands heretofore granted, to make any further or other Cultivation or Improvement thereon, than was required by the Laws and Instructions in Force, at the Time of obtaining the Grant thereof.

LXII. All Lands to be seated and improved, according to the Directions of this Act, and within the Time in the respective Grants thereof, for that Purpose limited, or before Petition preferred for obtaining a Grant thereof, as lapsed, shall not be deemed forfeited, for not complying with the Condition of Cultivation mentioned in the Grants thereof; and the Proof of the Seating and Improvement in this Act mentioned, shall be made and enure to the Benefit of the Person making the same, in the same Manner, as by 12 *Ann. cap. 3.* is directed. (*See Sect. 53.*)

LXIII. When any Land shall be petitioned for as lapsed, the Patentee shall reserve so much thereof, as his Improvements thereon, according to the Directions of this Act, shall be sufficient to save; and may allot the Residue which shall be found lapsed, to the Person petitioning for the same in any Part of the Tract, in One entire Piece: And if the Person against whom such Petition is exhibited, be not resident in this Colony, the Summons issued upon such Petition shall be served upon the Attorney of such Non-resident; but if no such Attorney can be found, a Copy of the Summons shall be affixed at the Door of the Court-house of the County where the Land petitioned for lies, on Five several Court Days, and also in
 the

Ann. 1720 the Court-house at the Capitol, at Three General Courts ;
Cap. 3. and after, such Proceedings shall be had on such Petition,
Pag. 308. as if the Person had been personally served with such
 Summons.

Ann. 1734 LXIV. 8 *Geo.* 2. *cap.* 6. All Deeds, Mortgages, and
Cap. 6. other Settlements and Conveiances for any Lands, Tene-
Pag. 12. ments, or Hereditaments, heretofore *bona fide* made and
App. executed, whether by Deed Poll, or otherwise, shall be
 good, valid, and binding, between the Parties thereto,
 and their Heirs, notwithstanding the same have not been
 acknowledged or proved, and recorded.

LXV. For a greater Security to Creditors and Pur-
 chasers, all Bargains, Sales, and other Conveiances of
 Lands, Tenements, and Hereditaments, for passing any
 Estate of Freehold or Inheritance, or Term of Years; and
 all Deeds of Settlement upon Marriage, wherein Lands,
 Slaves, Money, or other Personal Thing, shall be settled,
 or covenanted to be left or paid at the Death of the Par-
 ty, or otherwise; and all Deeds of Trust, shall be void,
 as to all Creditors and subsequent Purchasers, unless they
 be acknowledged or proved, and recorded, according to
 the Directions of 9 *Ann.* *cap.* 13. And all such Deeds
 and Conveiances heretofore made, shall be void, unless
 † *Pa.* 13 they be acknowledged or proved, and recorded, † after
 passing this Act in the General Court, or in the Coun-
 ties where the Lands or other Things lie, or the Parties
 live, within the several Times in the said Act of 9 *Ann.*
 limited, (*See Sect.* 3.) but the same as between the Par-
 ties, shall notwithstanding be valid and binding.

LXVI. A Memorial of all Bargains, Sales, Mortga-
 ges, or other Conveiances, Marriage Settlements, and
 Deeds of Trust, whereby any Estate Real or Personal, of
 any Person within this Colony, may be charged or in-
 cumbered, shall be registred in the Secretary's Office, in
 Books to be kept for that Purpose; which Memorial shall
 contain the Date of the Deed or Conveiance, the Names,
 Sir-names, and Additions of the Parties thereto, the Con-
 sideration mentioned therein, the Quantity of the Land
 conveyed, settled, or mortgaged, and where the same lie;
 and the Number and Names of the Slaves, and Descrip-
 tion of the Personal Estate (if any be) sold, settled, or
 mortgaged: And the Clerk of every County Court shall,
 twice in every Year, in *April*, and *October*, transmit to
 the Secretary's Office, Memorials of all such Deeds, Set-
 tlements, Mortgages, or other Conveiances, as have been
 acknowledged or proved, and recorded in their respective
 County

County Courts, the preceeding Half Year; and for all *Ann. 1734*
 such of the said Deeds as shall be acknowledged in the *Cap. 6.*
 General Court, the Clerk of the Secretary's Office shall *Pa. 13.*
 enter the Memorials thereof in the Register to be kept by App:
 him, as aforesaid.

LXVII. Any Person seised in Fee-Tail, General or
 Special, of or in any Lands, Tenements, or Heredita-
 ments, not exceeding the Value of Two Hundred Pounds
Sterling, and not being Parcel of, or contiguous to, other
 entailed Lands of the same Party, may sue out a Writ
 from the Secretary's Office, in the Nature of an *ad quod*
Damnum, to the Sheriff of the County where such entail-
 ed Lands lie, commanding him to enquire, by the Oath
 of good and lawful Men of his County, of the Value of
 such Lands, and whether they be Parcel of, or contiguous
 to, other entailed Lands, as aforesaid: And such Sheriff
 shall return his Inquisition to the said Office; and if the
 Lands shall be found not to exceed the Value, as afore-
 said, and to be a * seperate Parcel, as aforesaid; then a * *Pa. 14.*
 Deed of Bargain and Sale, reciting the Title and such
 Inquisition, wherein a valuable Consideration shall be
 expressed, and *bona fide* paid, acknowledged, or proved
 by Three Witnesses, before the General Court, within
 Eight Months after the Date thereof, shall be sufficient
 in Law to pass the Fee Simple Estate of such Lands to
 the Purchaser; and the Right of the Issue of the Vendor,
 and of all other Persons in Remainder or Reversion, shall
 be barred, in the same Manner, as the same Estate might
 be barred by Fine or Recovery, according to the Laws
 of *England*.

LXVIII. The Clerk of the General Court, or of any
 County Court, may issue a Commission to Two or more
 Commissioners, being Justices in the County where the
 Feme shall reside, for receiving the Acknowledgment of
 any Deed of such Feme Covert, for passing her Estate in
 any Lands, Tenements, or Hereditaments; and such Deed
 acknowledged before them, after they shall have examin-
 ed her privily and a-part from her Husband, touching
 her Consent, and certified the Judges, before whom the
 Commission is returnable, thereof; shall be recorded, with
 the Commission and Return; and shall be as effectual, as
 if Personally acknowledged in Court by such Feme Co-
 vert. And where any such Deed hath been heretofore ac-
 knowledged before Commissioners; and they have certified
 the privy Examination and Acknowledgment, as afore-
 said, the same shall be adjudged valid.

Ann. 1734
Cap. 6.
Pag. 14.
App.

LXIX. Where a Deed hath been acknowledged by a Feme Covert, and no Record made of her privy Examination, such Deed shall always be adjudged not to be binding upon the Feme, or her Heirs; and the Clerks of the Courts, before whom any Deed of a Feme Covert shall be acknowledged, shall always, hereafter, record her privy Examination.

*Pag. 15.

LXX. The Saving Clause (Sect. 13.) of 9 *Anne*, cap. 13, Repealed; and instead of Thirty Years limited in Sect. 12, any Person may hereafter maintain a Writ of Right upon the Possession or Seisin of his or her Ancestor or Predecessor, within Fifty Years; or any other Possessory Action, upon the Possession or Seisin of his or her Ancestor or Predecessor, within Forty Years next before the Teste of the Writ; but no Person shall maintain a Real Action upon his own Possession or Seisin, but within Thirty Years next before the Teste of the Writ, as in Sect. 12, is limited.

LXXI. For the more easy Prosecution of Real Actions, the Process therein shall be the same as is used, and have the same Effect, as in *England*; except, that the Returns shall be according to the Laws of this Colony: But all Effoins, Viewers, and Vouchers are taken away; and after One Imparlance, unless the Tenant pleads Non-Tenure, Joint-Tenancy, or several Tenancy in Abatement; and then, after such Plea over-ruled, he shall put himself upon the Grand Assize, and the Mife shall be joined upon the mere Right, and shall be tried at the next Court, by Sixteen Jurors, to be summoned, tried, and sworn, as in all other Actions: And to remove all Delays and groundless Pretences in saving the Default of the Tenant, no Excuse shall be admitted, but Non-Summons; and such Excuse being allowed, he may imparl; and at the next Court shall either plead in Abatement, or put himself upon the Grand Assize, as aforesaid.

Cap. 25.
Pag. 44.
App.

LXXII. 8 *Geo. 2. cap. 25. Frances Burges, Edwin Conway, and James Ball*, Executors of the Last Will and Testament of *Charles Burges*, deceased, or any Two of them, and the Survivors and Survivor of them, and the Executors of such Survivor, or the Administrator of the Goods and Chattels of the said *Charles Burges*, by them not administred, are severally impowered to sell, to any Person, for the best Price that can be got, all or any Part of Seventeen Thousand Seven Hundred and Seventy Seven Acres of Land, lying as follows, viz. Three Thousand

land Two Hundred and Thirty Acres near the *Cobler's Inn*. 1734
 Mountains, Three Thousand Forty Six Acres near the *Cap. 25.*
 said Mountains, Eleven Hundred Seventy Six Acres on *Page 44.*
Goose Creek, Two Thousand Nine Hundred and Twen- *App.*
 ty Five Acres on the said Creek, all in the County of
Prince William; and Seven Thousand Four Hundred
 Acres in the little Fork of *Rappahannock River*, in the
 County of *Spotsylvania*; and to execute necessary Con-
 veiances in Fee to the Purchasers, who shall peaceably
 hold the Lands so purchased in Fee for ever: And the
 Money paid by such Purchasers shall be first applied to
 paying the Debts, and then the Legacies, of the said
Charles Burges. And this Act is declared to be a Pub-
 lic Act.

LXXIII. Saving to the King, and all other Persons
 whatsoever, (other than the Heirs of the said *Charles*
Burges, and those claiming under his Will,) all such
 Right and Demand of and in the said Lands, as they
 had, or might have had, if this Act had not been made.

LXXIV. 10 Geo. 2. cap. 13. All and every Grant *Ann. 17.*
 and Grants heretofore duly and regularly made and pas- *Cap. 13.*
 sed by any of the Agents or Attornies of the Proprietors *Page 35.*
 of the *Northern Neck*, in *Virginia*, or any of them, shall *App. 11.*
 be good, available, and binding in Law, to pass such
 Estate or Estates as therein have been granted; and the
 Grantees, their Heirs and Assigns respectively, shall, for
 ever hereafter, peaceably and quietly have, hold, and en-
 joy the same granted Premises, according to such grant-
 ed Estates, under the Rents and Services by the said
 Grants reserved; notwithstanding the Infancy, Coverture,
 or any Misprision, or Mistake of the Names, Dignity, or
 Title of the said Proprietors, or either of them; or any
 Misrecital, Omission, or Defect, in the said Grant or
 Grants, or any of them, so as the same have been made
 and signed by the Agents or Attornies of the said Pro-
 prietors, or the Husband, Guardian or Guardians, Trust-
 ee or Trustees of any of them, and passed under the
 Common Seal of the Office, kept by them, for that Pur-
 pose.

L A W - B O O K S.

§ 1. 18 Car. 2. **T**HE Statutes at large, *Dalton's Jus-* *Ann. 17.*
cap. 22. tice of the Peace and Office of a *Cap. 22.*
 Sheriff, and *Swinborne's Book of Wills and Testaments*, *Page 43.*
 shall be sent for, by the Auditor, for the Use of the Ge-
 neral

Ann. 1666 General Court and Assembly, to be kept at *James City*,
Cap. 22. and paid for out of the Two Shillings *per* Hoghead.
Pag. 43. And the like Books shall be sent for, by some of the
 Commissioners of the several County Courts, for the Use
 of the respective Counties, and paid for out of the Coun-
 ty Levy.

Ann. 1734 II. 8 *Geo.* 2. *cap.* 17. Upon the Death of any Justice
Cap. 17. of the Peace, or any Persons refusing to serve as a Justice,
Pag. 37. the County Court shall summon such Person so refusing,
App. or the Executors or Administrators of any Justice dying,
 † *Pag.* 38. † to deliver up the Book, containing the Edition of all
 the Laws in Force at the End of the last Session of As-
 sembly, and published at the Public Expence, if any
 such Book was *gratis* distributed to such Person or Jus-
 tice; and upon Failure to deliver the same, such Court
 shall award Judgment against them for Twenty Five
 Shillings. And upon delivering up the Books, they shall
 be distributed among the succeeding Justices; or if Judg-
 ment is given for the Money aforesaid, such Money shall
 be laid out for buying other Books for their Use.

L E V I E S.

Ann. 1674 § I. 26 *Car.* 2. **W**Hereas it hath been complained of
Cap. 4. *cap.* 4. to this Grand Assembly, that it
Pag. 61. hath been the frequent Practice of some of the Justices
 of the several County Courts of this Country, at the Time
 of laying their Levy, to assess upon the People of their
 * *Pag.* 62. respective Counties, certain Sums of Tobacco * for the
 paying and satisfying their Expences and Accommoda-
 tions whilst they are holding Court, and attending there-
 upon; no County from henceforth shall pay or allow for
 the Accommodation of the Justices at their County
 Courts; any Order, Usage, or Custom, notwithstanding.

Ann. 1705 II. 4 *Anna*, *cap.* 9. Every County Court shall admit
Ca. 9. the Sheriff of the County to be Collector of the Public
Pag. 143. and County Levies raised in such County.

III. *Provided*, Such Sheriff shall, before Admittance,
 at the Court held for laying the County Levy, enter into
 Bond to the Queen, &c. with Two sufficient Sureties,
 in double the Sum such Levies amount to, that he
 will honestly and faithfully collect and duly pay and an-
 swer all the said Public and County Levies unto the respec-
 tive Country and County Creditors for whom they shall
 be raised, in such Parts and Proportions, to every Cred-
 itor, as the same shall be ordered and directed to be paid.

IV. *Pro-*

IV. *Provided also*, Upon such Sheriff's Failure or Refusal, the County Court may put such Collection into the Hands of any Person such Court shall think fit, who will give such Bond and Security, as aforesaid. Ann. 1705
Cap. 9.
Pag. 143.

V. Every such Sheriff or Collector, for every Hundred Pounds of Tobacco paid him in an Hogshead for such Levies, or Secretary's, Clerks, and Sheriffs Fees, shall allow the Payer Eight Pounds of Tobacco for Cask, and so proportionably ; or shall forfeit to the Party grieved, One Hundred Pounds of Tobacco for every Eight Pounds he refuses so to allow : To be recovered, with Costs, before any Justice of the County, if the Forfeiture does not exceed Two Hundred ; otherwise, by Action of Debt in any Court of Record ; no Effoin, Protection, or Wager of Law, to be allowed.

VI. No such Sheriff or Collector shall * seise any * Hogshead of Tobacco paid away and marked, for any such Levies or Fees, if the Person owing the same, shall then tender on the same Plantation, other merchantable Tobacco, for Satisfaction of the same. Pa. 144.

VII. If any such Sheriff or Collector for such Levies or Fees shall seise any Hogshead of Tobacco, containing more Nett Tobacco than is due for such Levies and Fees, he shall suffer the Debtor to take out of such Hogshead all such Surplus Tobacco, or make immediate Satisfaction for it.

Note, The Three last Clauses are become useless, since the Payment of Levies and Fees by Inspectors Notes. See Tobacco. Sect. 58.

VIII. Every such Sheriff or Collector shall discount with any Person having Public or County Credit in his Hands, so much out of such Levies due from such Person, without any Allowance for the same.

IX. Every such Sheriff or Collector shall pay off all Public and County Credits, before the *March* Court next, after the Collection put into his Hands.

X. Every Public or County Creditor then unpaid, upon Complaint to that or any succeeding Court, shall have a Judgment, with Costs, against such Sheriff or Collector and his Sureties, for what shall be then due, without any further Process or Delay.

XI. *Provided*, If such Complaint be made to any Court succeeding *March* Court, and the Sheriff be then absent, he shall, by Rule of Court, be ordered to answer the Complaint at the next Court ; wherein if he fail,
Judg-

Ann. 1705 Judgment shall be granted to the Complainant against
Cap. 9. him and his Sureties, for what shall then appear to be
Pag. 144 due, with Costs.

Note. The Sheriff is allowed further Time. *See Tobacco*
Se&t. 64.

XII. When any Public or County Creditor, after Ten
 Days Notice given by such Sheriff or Collector, that the
 † *P.* 145. Tobacco due to such † Creditor is ready, shall refuse or
 neglect to go or send to receive the same ; such Sheriff or
 Collector, at any Time after, may make a Tender thereof,
 according to 4 *Ann. cap.* 46. And on such Tender execu-
 ted, shall have the same Advantage, as other Debtors by
 that Act. (*See Tobacco. Se&t.* 65.)

This Clause is useless, since the Inspecting Laws.

Ann. 1727 XIII. 1 *Geo.* 2. *cap.* 7. No Inhabitant of this Colony
Cap. 7. shall entertain, hire, or employ in his or her House,
Pag. 395. above Forty Eight Hours, any Person being Tithable,
 and removing from the Parish where he or she formerly
 resided ; unless such Person first produce a Certificate un-
 der the Hand of the Sheriff of the County, or the Col-
 lector of the Levy of that Parish, from whence such Per-
 son came, that he or she paid Levy there the preceeding
 Year ; or came into the Colony since ; or was a Servant
 at the Time of taking the last List of Tithables ; under
 the Penalty of Two Hundred Pounds of Tobacco, or
 Twenty Shillings Current Money to the Informer, and
 so *toties quoties* : To be recovered before any Justice of
 the County where such Offence shall be committed. And
 such Person offering to hire him or herself without such
 Certificate, shall be subject to the like Penalties and
 Forfeitures, as Persons not listing themselves as Tithables,
 are subject to.

XIV. All Persons able in Body and fit to Labour, and
 not having wherewithal otherwise to maintain themselves,
 who shall be found loitering and neglecting to labour
 for the usual and common Wages ; and all Persons who
 run from their Habitations, and leave either Wives or
 Children, without suitable Means for their Subsistence,
 whereby they are likely to become burthenfome to the
 Parish ; and all other idle, vagrant, or dissolute Persons,
 wandring abroad, without betaking themselves to some
 lawful Employment or Labour, or that go about beg-
 ging, shall be adjudged and deemed Rogues and Va-
 gabonds.

XV. If

XV. If any such Vagabond be found in any Place, *Ann. 1727*
 wandring, begging, or misordering him or herself; any *Cap. 7*
 Justice of that County, by Warrant under his Hand, *Pag. 395.*
 shall cause such Vagabond to be brought before him, and
 may examine and inform himself, as well by the Oath
 and Examination of such Vagabond, as of any other
 Persons, and by any other Means he shall think most proper,
 of the Condition of the Person so apprehended. And if such
 Person comes under the Prescription of a Vagabond, in
 this Act, shall order him or her to be conveyed from Con-
 stable to Constable, to the Parish wherein his Wife or
 Children inhabit, or where he or she did last reside, to
 be delivered to a Justice of such Parish, who shall cause
 such Vagabond to give Security for his or her Good-be-
 haviour, and betaking him or herself to some lawful
 Calling or Labour; and on Refusal to give such Security,
 shall commit such Vagabond to the County * Goal, 'til * *Pa. 396*
 the next Court: Which Court (if no Security is then of-
 fered) may bind such Vagabond to Service on Wages
 for One Year, or order him or her Twenty Five Lashes
 on the bare Back well laid on, at the common Whipping-
 Post, at the Choice of such Vagabond: But if he or she
 be of such ill Repute that no one will receive him or her
 into Service, the Court shall order him or her Thirty
 Lashes well laid on, as aforesaid: And in both Cases of
 Whipping, to be discharged; and so *toties quoties* for e-
 very Offence of Vagrancy, whereof he or she shall
 hereafter be found guilty, as aforesaid: And where such
 Vagabond shall be bound to Service, his or her Wages,
 after Paiment of the Charges of Prosecution, shall be ap-
 plied towards Support of his or her Family, (if any ;)
 otherwise shall be paid to the Person so bound, after his
 or her Servitude expired, in full of all other Reward,
 which he or she might claim for such Service.

XVI. No Person shall hereafter be accounted an In-
 habitant, so as to have gained a legal Settlement in any
 Parish, until such Person hath been actually resident in
 such Parish, One whole Year.

XVII. Any Justice, upon Complaint of the Church-
 wardens of any Parish, that any poor Person like to be-
 come a Parish Charge, hath come into the said Parish,
 may, by Warrant, under his Hand, cause such Person to be
 removed to the Parish where he or she was last legally
 settled: But if thro' Sicknes, or other Disability, he or
 she cannot be removed without Danger of Life, the
 Churchwardens of the Parish where such Person shall be,
 shall

Ann. 1727 shall provide for him or her at the Parish Charge, 'til he
Chap. 7. or she can safely be removed; and when such Person
Pag. 396. shall recover, shall cause him or her to be conveyed, as

aforesaid: And the Parish in which such poor Person was last legally settled, shall refund and pay all such Charges, as have been occasioned by such Sickness, or the Cure thereof; and for the Maintenance of such Person, during such Sickness, and removing him or her: And if the Churchwarden or Churchwardens of the Parish, which ought to provide for such poor Person, shall refuse to receive and provide for him or her, on the Justices Warrant, as aforesaid; every Churchwarden so refusing, shall forfeit and pay Twenty Pounds Current Money; one half to the King, for the Use of the Poor of the Parish, from whence the Removal was made; the other to such Person as will sue for the same, in any Court of Record: To be recovered with Costs, and one Attorney's Fee. And if the Vestry of the Parish where any such poor Person was legally settled, shall refuse to refund and pay unto the Churchwardens of that Parish, from whence such Person was removed, all the Charge of such Person's Maintenance, during his or her Sickness or Disability, with all the Charges expended in his or her Cure, being duly proved before the Court of the County wherein such

Pag. 397. Parish shall lye; the said Court, * upon Petition to them exhibited, may assess the said Charge upon the Vestrymen so refusing, and may cause the Sheriff to levy the same, with the Costs of the Petition and Judgment, by Distress, and to pay the same to the Churchwardens of the Parish aggrieved, to and for the Use of the said Parish.

XVIII. If any Master of a Vessel shall turn away from the Service of such Vessel, any sick or disabled Sailor, without taking due Care for his Maintenance and Cure; such Master shall forfeit Ten Pounds Current Money, to the Churchwardens of the Parish, where such Sailor is put on Shore: To be recovered, with Costs, by Action of Debt, Bill, Complaint, or Information, in any Court of Record, to the Use of the Poor of the said Parish; and shall be liable to the Action of the Churchwardens of that, or any other Parish, to which such Sailor shall become chargeable, for all Expences laid out for the Maintenance and Cure of such Sailor, during his Sickness: In which Action, no Act or Statute of Limitations, shall be pleadable.

XIX. Where the Parent or Parents of any Child, upon due Proof before the Court of the County where they inhabit,

inhabit, shall be adjudged incapable to support and bring ^{Ann. 1727} up such Child, by reason of his or their idle, dissolute, ^{Cap. 7} and disorderly Course of Life, or that they neglect to ^{Page 397.} take Care to educate and instruct such Child in Christian Principles; the Churchwardens of the Parish where such Child inhabits, upon Certificate of the said Court, may bind out to Service or Apprenticeship, such Child for such Time, and under such Covenants, as is usual, or the Law directs, in Cases of Orphan Children.

XX. When any lewd Woman shall be delivered of a Bastard Child, she shall, on Conviction, pay Five Hundred Pounds of Tobacco and Cask, or Fifty Shillings Current Money, to the Churchwardens of the Parish, * ^{Pa. 398} for the Use of the said Parish: To be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record; no Effoin, Protection, or Wager of Law, and but one Imparlance to be allowed: And on Failure of present Paiment, or to give sufficient Security for Paiment thereof, at laying the next Parish Levy after such Conviction, shall receive, on her bare Back, Twenty Five Lashes well laid on, at the Public Whipping Post; and on Paiment, or Whipping, shall be discharged of all other Prosecution.

XXI. The Person, in whose House such Woman shall be delivered, upon such Delivery, shall give Notice thereof to one of the Churchwardens of the Parish; or on Failure to give such Notice, or to secure such Woman 'til such Notice given; or if such Person shall suffer her to escape, he or she shall pay the Fine aforesaid, for the Use of the Poor of the Parish; to be recovered, as aforesaid: Or on Failure of Paiment, or Refusal to give Security, as aforesaid, shall receive Twenty Five Lashes on the bare Back, well laid on.

XXII. 8 Geo. 2. cap. 21. Every Person dwelling in the ^{Ann. 1734} Northern Neck, and on the Eastern Shore, who is by Law ^{Cap 21.} obliged to give a List of the Tithables in his or her Fa- ^{Page 41.} mily, shall, Annually, before the Time appointed for App. returning such Lists to the County Court, produce to the Justice appointed to take such List, in the Precinct where such Person dwells, Three Crows Heads or Squirrels Scalps, for every Tithable by him or her listed that Year; which Justice shall forthwith cause such Scalps and Heads to be destroyed, and shall, in a distinct Column, to be for that Purpose made † in the said List, enter the Num- ^{† Pa. 420} ber of such Heads and Scalps in a Line, with the Name of the Person producing the same. And the Court of
U every

Ann. 1734 every County in the said *Northern Neck*, and on the
Cap. 21. *Eastern Shore*, shall, Annually, at laying the County
Pag. 42. Levy, give the County Credit, in one Article, for Two
App. Pounds of Tobacco for every Head or Scalp wanting, to
 make up the full Number required by this Act.

XXIII. And the Sheriff or County Collector shall receive the Delinquents, or levy by Distress, the said Two Pounds of Tobacco for every Head or Scalp so wanting, on every Person respectively, who shall have failed to produce the same, according to the Direction of this Act, towards the Discharge of the said County Debt, in Manner therein directed.

XXIV. This Act shall continue in Force Three Years.

LIMITATION of ACTIONS.

Ann. 1734 § I. 4 *Annæ*, ALL Actions of Trespafs, *Quare clau-*
Cap. 35. *cap. 35.* *sum fregit*, Actions of Trespafs, De-
Pag. 188 tinue, Action Sur Trover, and Replevin, for taking away
 Goods and Cattle; all Actions of Account, and upon the
 Case, other than such Accounts as concern the Trade of
 Merchandise between Merchant and Merchant, their Fac-
 tors or Servants; all Actions of Debt grounded upon any
 Lending or Contract without Specialty; all Actions of
 Debt for Arreages of Rent; all Actions of Assault, Me-
 nace, Battery, Wounding, and Imprisonment, or any of
 them, shall be sued within the Times hereafter limited,
 and not after: That is to say, The said Actions upon the
 Case, (other than for Slander,) and the said Actions up-
 on Account, and for Trespafs, Debt, Detinue, and Re-
 plevin for Goods and Cattle, and the said Actions of
 Trespafs, *Quare clausum fregit*, within Five Years after
 the Cause of such Actions; and the said Actions of Tref-
 pafs, of Assault, Battery, Wounding, Imprisonment, or
 any of them, within Three Years after the Cause of such
 Actions; and the said Actions on the Case for Words,
 within One Year after the Words spoken.

II. *Provided*, If any of the said Actions or Suits,
 Judgment be given for the Plaintiff, and the same be
 afterwards reversed by Error; or a Verdict pass for the
 Plaintiff, and upon Matter alledged in Arrest of Judg-
 ment, the Judgment be given against the Plaintiff, that
 he take nothing by his Plaint, Writ, or Bill; or if any
 of the said Actions be brought by Original, and the De-
 fendant therein be outlawed, and shall after reverse the
 Outlawry :

Outlawry: In all such Cases, the Plaintiff, his Heirs, ^{Ann. 1705} Executors, or Administrators, may commence a new Ac- ^{Cap. 35.} tion or Suit within One Year after such Judgment re- ^{* Pa. 188.} versed, or given against the Plaintiff, or Outlawry reversed, and not after.

III. In all Actions of Trespafs, *Quare clausum fregit*, wherein the Defendant shall disclaim in his Plea to make any Title or Claim to the Land in which the Trespafs is, by the Declaration supposed to be done, and the Trespafs be by Negligence or Involuntary, the Defendant shall be admitted to plead a Disclaimer; and that the Trespafs was by Negligence or Involuntary, and a Tender of sufficient Amends for such Trespafs before the Action brought, on some of which, the Plaintiff shall join Issue: And if such Issue be found for the Defendant, or the Plaintiff be nonsuited, the Plaintiff shall be barred from the said Action, and all other Suit concerning the same.

* IV. In all Actions upon the Case for slanderous ^{* Pa. 189.} Words, in any Court having Power to hold Plea of the same, if the Jury, upon Trial of the Issue in such Action, or the Jury that shall enquire of the Damages, assess the Damages under Forty Shillings; the Plaintiff, in such Action, shall recover only so much Costs as Damages, without any further Increase of the same.

V. *Provided*, If any Person entitled to any such Action of Trespafs, Detinue, Action Sur Trover, Replevin, Account, Debt, Trespafs for Assault, Menace, Battery, Wounding, or Imprisonment, be, at the Time of the Cause of such Action accrued, within the Age of Twenty One Years, Feme Covert, *Non Compos Mentis*, imprisoned, beyond the Sea, or out of the Country; such Person may bring such Actions within such Times as are before limited, after the respective Disabilities removed.

VI. *Provided also*, If any Defendant to any of the aforesaid Actions, absconds or conceals himself; or by Removal out of the Country, or County where he resides, when such Cause of Action accrued, or by any other indirect Ways or Means, defeats or obstructs any Person, having Title thereto, from bringing and maintaining all or any of the aforesaid Actions, within the respective Times limited by this Act; such Defendant shall not be admitted to plead this Act in Bar to any such Action.

Ann. 1730

Cap. 11.

Pag. 452.

L I N E N - C L O T H .

§ I. 3 & 4 Geo. 2. *cap. 11.* **E**VERY Person making, or causing to be made, any Linen-Cloth of Flax or Hemp, of the Growth and Produce of this Colony, shall be paid, as a Reward, Two Pounds of Tobacco for every Ell of such Cloth of the Breadth and Fineness of good Osnabrigs, and Four Pounds of Tobacco for every Ell of such Cloth of the Breadth of Three Quarters of a Yard, and Fineness of good Doulaßs, or of any greater Breadth or Fineness; which Rewards shall be levied on the Inhabitants of the County where such Cloth is made, and repaid at the next Public Levy.

II. The severall County Courts shall, Annually, at laying the County Levy, allow an Order to every Person claiming the Reward aforesaid, by Virtue of this Act, and levy the same upon the tithable Persons in their respective Counties by a Poll Tax.

III. *Provided,* Every such Person shall first carry such Linen before * some Justice of the County where it was made, and make Oath or solemn Affirmation, that the Linen so produced, is of the Growth and Manufacture of this Colony; and that no Person hath before received, or entitled him or herself to receive the Reward given by this Act, for making the same; and shall obtain from such Justice, a Certificate to such Court, of having taken such Oath; and that such Linen is of the Breadth and Fineness before mentioned, as the Case shall be; and shall produce such Certificate to such Court, at laying the County Levy.

IV. This Act shall commence and be in Force upon his Majesty's signifying his Approbation thereof, and shall continue thereafter Five Years, and thence to the End of the next Session of Assembly.

M A G A Z I N E .

Ann. 1714

Cap. 3.

Pag. 300.

§ I. 1 Geo. 1. *cap. 3.* **T**HERE shall be erected a good substantial Houfe of Brick, to be called *The Magazine*, where the Governor shall direct, in which all the Arms, Gunpowder, and Ammunition, belonging to the King, may be kept. For building which, any Sum, not exceeding Two Hundred Pounds, to be paid out of the Duty on Liquors

Liquors and Slaves, shall be appropriated: And the Governor is desired to direct the Building thereof, and to issue his Warrant to the Treasurer for Payment of the Money hereby given. Ann. 1714
Cap. 3.
Pag. 301.

II. As soon as the said Magazine is finished, the Governor may appoint a Person to take Charge of the same, who shall be called, *The Keeper of the Magazine*, and shall have a Yearly Salary of Twenty Pounds; and may also appoint another Person to take Care of, clean, and mend the Arms kept in the same, who shall be called, *The Armourer*, and shall have a Yearly Salary of Twenty Pounds: Which Salaries shall be paid out of the said Duty on Liquors and Slaves.

III. When there shall be a Company erected and incorporated by Charter, or Act of Assembly, by the Name of, *The Virginia Indian Company*, or any other Name, to trade with the Tributary or Foreign Indians; such Company, before they be permitted to use the said Trade, shall pay to the Treasurer, One Hundred Pounds, in Part of the Money expended by Virtue of this Act.

MARRIAGES.

§ I. 4 Anne, **N**O Minister shall celebrate the Rites of Matrimony between any Persons, or join them together as Man and Wife, without a lawful Licence, or Thrice Publication of the Banns, according to the Rubrick in the Common-Prayer-Book, which enjoins, that if the Persons * to be married, dwell in several Parishes, the Banns shall be published in both Parishes; and that the Curate of the one Parish shall not solemnise the Matrimony, without a Certificate from the Curate of the other, that the Banns have been Thrice published, and no Objection made; or such Minister so offending, shall suffer One Year's Imprisonment, without Bail or Mainprize, and forfeit Five Hundred Pounds Current Money: And if any Minister, contrary to the true Intent of this Act, shall go out of this Colony, and there join together in Matrimony any Person or Persons belonging to this Country, without such Licence or Publication, as aforesaid, he shall incur the same Penalties, as if done within this Colony. Ann. 1705
Cap. 48.
Pag. 214.
* Pa. 215.

II. *Provided*, Where any Parish hath not a Minister, the Clerk or Reader may publish the Banns between any Persons desiring the same; and if no Objection be made, may grant a Certificate thereof, which shall be

Ann. 1705 as sufficient for any Minister to solemnise the Rites of
Cap. 48. Matrimony, as if the same had been signed, according to
Pag. 215. the Directions before-mentioned.

III. If any Minister, Clerk, or Reader, grants a false Certificate, he shall suffer One Year's Imprisonment, without Bail or Mainprise, and be fined Five Hundred Pounds *Sterling*; and be also liable to further Punishment, as in Case of Forgery: And all such Offences may be prosecuted, tried, and determined in any Court of Record here: Which Courts may proceed according to the Course of the Common Law; and on Conviction by Confession, Verdict, or otherwise, may award Execution, and inflict the Penalties provided by this Act for the same: And in such Case, the Offence may be laid in any County within this Colony.

IV. All Marriage Licences shall be issued by the Clerk of that County Court where the Feme usually resides, and by him only, in Manner, and under the Rules following: He shall take Bond to the Queen, &c. with good Surety, in the Penalty of Fifty Pounds Current Money, under Condition, that there is no lawful Cause to obstruct the Marriage for which the Licence shall be desired; and each Clerk failing herein, shall forfeit Fifty Pounds Current Money: And if either of the Persons to be married, be under the Age of Twenty One, and not theretofore married, the Consent of the Parent or Guardian of every such Person, shall be personally given before such Clerk, or signified under such Parents or Guardian's Hand and Seal, attested by Two Witnesses: Which being done, the Clerk shall write the Licence, certifying the said Bond, and the Manner of the Parents or Guardian's Consent, if both, or either of the Parties be under
 † *Pa.* 216. Age, to the first Justice in Commission † for that County, or such other Person as shall be thereto commissioned by the Governor, or Commander in Chief; which being performed, such Justice or other Person commissioned, as aforesaid, shall sign and direct the Licence: And a Licence so obtained and signed, and no other, is declared to be a lawful Licence, within this Act. And if any County Court Clerk, in any other Manner, issues any Marriage Licence, and contrary to this Act, makes Certificate for any Marriage Licence; and if any Person signs or directs a Marriage Licence, in other Manner than directed by this Act, or without such Certificate from the County Court Clerk; every Person so offending, shall be imprisoned One Year, without Bail or Mainprise, and forfeit Five Hundred Pounds Current Money.

V. If

V. If any Womankind, or Maiden, of or above the *Ann. 1705*
 Age of Twelve and under Sixteen, contrary to her Pa- *Cap. 48.*
 rents or Guardian's Will or Consent, and without Publi- *Pag. 216.*
 cation of the Banns, as aforesaid, consents in her Mar-
 riage with any Person; her next of Kin, to whom the
 Inheritance should descend, may enter upon and take
 Possession of all the Lands, Tenements, Hereditaments,
 and other Real Estate, which she, at the Time of her
 said Marriage and Agreement had in Possession, Rever-
 sion, or Remainder; and may enjoy the same, to him
 and the Representatives of his Stock, with all Privileges
 thereto belonging, during the Coverture: And after De-
 termination thereof, the same shall immediately vest, re-
 main, and be in the said Woman so agreed and married,
 as aforesaid, and her Heirs, or such Person as should
 have enjoyed the same, if this Act had never been made,
 other than the Person with whom she shall so consent in
 Marriage, with Power to them, and every of them, to
 re-enter and take Possession of the same.

VI. If any Minister or Reader shall wittingly pub-
 lish, or suffer to be published, the Banns of Matrimony
 between any Servants, or between a free Person and a
 Servant; or if any Minister shall wittingly celebrate the
 Rites of Matrimony between any such, without a Certi-
 ficate from such Servant's Master or Mistress, that it is
 done by their Consent, he shall forfeit Ten Thousand
 Pounds of Tobacco: And every Servant so married, with-
 out such Consent, shall serve his or her Master or Mis-
 tress, their Executors, Administrators, or Assigns, One
 Year, after the Time of Service by Indenture or Custom
 expired. And every free Person so marrying with a Ser-
 vant, shall pay to the Owner of such Servant, One
 Thousand Pounds of Tobacco, or serve such Owner One
 Year.

* VII. Every County Court Clerk shall, Annually, **Pa. 217.*
 in *October*, send to the Governor, or Commander in
 Chief, an Account of the Marriage Licences by him is-
 sued, and shall deliver to the Sheriff or County Collec-
 tor, an Account of the Governor's Dues for the same, to
 be by him collected; and each Clerk failing herein,
 shall be fined One Thousand Pounds of Tobacco.

VIII. The Fees for Marriage Licences, &c. shall be
 as follows:

Ann. 1705

Cap. 48.

Pag. 217.

| | Pounds of Tobacco. | l. | s. | d. |
|--|--------------------|----|----|----|
| To the Governor, or Commander, in Chief, for each Licence, | 200 | 1 | 0 | 0 |
| To the Clerk of the County Court, issuing the same, | 50 | | 5 | |
| To the Minister, if by Licence, | 200 | 1 | 0 | 0 |
| if by Banns, | 50 | 0 | 5 | |
| To the Minister or Reader, for publishing the Banns, and certifying the same, if required, | 15 | 0 | 1 | 6 |

Which Fees, if not paid in ready Money, shall be paid, in Time of Year, in Tobacco of the Growth of the Parish where the Feme lives; and on Refusal of Paiment, to be levied by Distreis, by such Officer, and in such Manner, as directed for Clerks Fees.

IX. If the Bridegroom lives out of the County where the Licence is granted, or the County Court Clerk has Grounds to suspect, that he intends to remove, or is insolvent; such Clerk shall take Bond, with good Security, in the County, to pay all Fees due for such Licence, at such Time, and in such Manner, as before directed; and on Refusal of Paiment, the same may be levied on the Estate of the Security, by Distreis, as aforesaid.

X. If any Minister refuses to celebrate the Rites of Matrimony, for the Fees hereby allowed, or exacts any greater or other Fees, he shall forfeit Four Thousand Pounds of Tobacco, if the Marriage was, or was to have been by Licence; and Five Hundred Pounds of Tobacco, if by Banns: One Moiety of all the Fines, Forfeitures, and Penalties, in this Act before-mentioned, and not appropriated to the Queen, &c. for † Support of this Government; the other to him or them that will inform and sue for the same: To be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record; no Effoin, Protection, or Wager of Law, to be allowed.

XI. If the Minister or Reader of any Parish refuses to publish and certify the Banns, for the Fees hereby allowed, or exacts greater or other Fees for the same, he shall forfeit, to the Party grieved, One Hundred and Fifty Pounds of Tobacco: To be recovered, with Costs, before a Justice of the Peace.

XII. *Provided*, The Minister serving the Cure of any Parish, shall have the Benefit of the Perquisites for Marriages and Funeral Sermons in the said Parish, (if he does

does not neglect or refuse to do the Service thereof,) tho' another Minister be employed to do the same. Ann. 1705
Cap. 48.

XIII. All Acts, &c. relating to any thing within the Purview of this Act, repealed. Pag. 218.

M I L I T I A.

§ I. 9 Geo. 1. **T**HE Colonel, or Chief Officer of the Militia of every County, shall have full Power to list all Free Male Persons, from Twenty One to Sixty Years of Age in such County, to serve in Horse or Foot, having Regard to the Ability of each Person, and to place them under the Command of such Captain as he thinks fit. Ann. 1723
Cap. 2.
Pag. 333.

II. *Provided*, No Person being, or that has been, of his Majesty's Council here, Speaker † of the House of Burgeses, Secretary, Judge of the Court of Vice-Admiralty, Attorney General, Justice of the Peace, or a Captain, or Clerk of the Council, for the Time being, Clerk of the General Court, or of any County Court, while such, shall be obliged Personally to appear at any Musters: But every such Person shall provide one able bodied White Man, a good Horse, and such Trooper's Accoutrements, as are herein after-mentioned, who shall constantly appear and exercise at all Musters. † Pa. 334.

III. *Provided*, Nothing herein, shall impower any Colonel, or Commander in Chief, to list any Minister of the Church of *England*, or the President, Masters, Professors, or Students, of the College of *William and Mary*, while such; or any Overseer, having Four or more Slaves under his Care; or Miller, having a Mill under his Charge; or the Founders, Keepers, or other Persons employed about any Iron, Copper, or Lead Work, or any other Mine, during such their Employment; or any free Negro, Mulatto, or Indian.

IV. *Provided*, Such free Negros, Mulattos, or Indians, as are capable, may be listed and employed as Drummers or Trumpeters: And upon any Invasion, Insurrection, or Rebellion, all free Negros, Mulattos, or Indians, shall attend and march with the Militia, and do the Duty of Pioneers, or such other servile Labour as they shall be directed to perform.

V. If any exempted Overseer, Miller, free Negro, Mulatto, or Indian, (other than as before excepted,) appears at any Muster, he shall forfeit One Hundred Pounds of Tobacco, and immediately give Security to the commanding
X
Officer

Ann. 1723 Officer for Paiment thereof, for the Uses hereinafter-mentioned, or shall, by Order of such Officer, be tied Neck
Cap. 2. and Heels; so to remain for any Time, not exceeding
Pa. 334. Twenty Minutes.

VI. Every Horse Soldier shall provide a good serviceable Horse, good Saddle, with Breast-plate, Crupper, and Curb Bridle, Holsters, and a Case of Pistols, cutting Sword, or Cutlace, double Cartouch Box, and Six Charges of Powder, and appear with the same at Muster; and shall keep at his Place of Abode, a well fixed Carbine, with Belt and Swivel, One Pound of Powder, and Four Pounds of Shot, and bring them into the Field when specially required. And every Foot Soldier shall provide a Firelock, Musquet, or Fuzee, well fixed, and Bayonet fitted thereto, or a good cutting Sword or Cutlace, a Cartouch Box, and Three Charges of Powder, and appear with the same at Muster; and shall keep at his Place of Abode, One Pound of Powder, and Four Pounds of Shot, and bring them into the Field, when specially required.

* *Pa.* 335. * VII. Every Soldier failing to appear at any Muster, or appearing without Arms and Ammunition, as aforesaid, or not keeping at his Place of Abode, what, by this Act, he is directed; for every such Failure, shall be fined One Hundred Pounds of Tobacco.

VIII. *Provided*, No Soldier be fined for appearing without Arms and Ammunition, or not having the same at his Place of Abode, until he hath been listed Eighteen Months, so as such Soldier appears at all Musters, during that Time, with such Arms as he is already furnished with.

IX. Every Captain of a Troop or Company failing to appear at any Muster; or appearing, and failing to exercise the Troop or Company under his Command; for every such Offence, shall be fined Two Hundred Pounds of Tobacco. And every Lieutenant, Cornet, or Ensign, failing to appear at any Muster, and perform his Duty thereat, shall forfeit One Hundred Pounds of Tobacco for every such Offence.

X. The Horses and Furniture, Arms and Ammunition, provided and kept, in Pursuance of this Act, shall be exempted from being impressed upon any Account, or seized or taken by any Distress, Attachment, or Execution. And every such Distress, Seizure, Attachment, or Execution shall be void; and the Officer or Person making or serving the same, be liable to the Suit of the Party grieved, wherein double Damages shall be recovered.

XI. The

XI. The Colonel, or chief Officer of the Militia of e- *Ann. 1723*
 very County shall, once a Year, at least, appoint a Mus- *Cap. 2.*
 ter of all the Troops and Companies in his County, at one *Page 335.*
 or more Place or Places, or oftner, if Occasion: And e-
 very Captain shall, once in Three Months, muster and
 exercise his Troop or Company, or oftner, if Occasion:
 Provided, no Officer or Soldier be fined above Five Times
 in One Year.

XII. All Soldiers, during the Time they are in Arms,
 shall observe and perform the Commands of their Offi-
 cer, relating to their Exercise, according to the best of
 their Skill: And if any Soldier, at any Muster, disobey
 his Officers Commands, or behaves himself disorderly or
 refractorily thereat, the chief commanding Officer pre-
 sent, may cause such Offender to be tied Neck and Heels,
 for any † Time, not exceeding Twenty Minutes. And † *Pa. 336.*
 if any such Soldier shall thereafter offend, the said com-
 manding Officer, by Warrant, under his Hand, may
 commit such Offender to the County Goal, there to re-
 main, for any Time, not exceeding Ten Days; and then
 not to be discharged, until he hath paid all Fees due
 and accustomed for Sheriffs or Goalers to take, upon
 any Commitments and Discharges.

XIII. Any Soldier summoned, upon Occasion of an
 Incurfion, Invasion, Insurrection, Rebellion, or other
 Alarm or Surprise, and failing to appear at the Time
 and Place appointed, shall be fined Ten Pounds Current
 Money; and the Captain of such Soldier shall, at the
 Meeting of the Field Officers and Captains hereinafter
 directed, give an Account, under his Hand, of every such
 Failure. And any Soldier refusing to obey the lawful
 Commands of his Captain, may be committed to the
 County Goal, by Warrant, under his Hand, for Three
 Months, without Bail or Mainprife.

XIV. *Provided*, That the Colonel, or Commander
 in Chief, may release and discharge him in less Time,
 if he see Cause. And any Officer failing to appear, on
 Occasion of any such Incurfion, Invasion, Insurrection, Re-
 bellion, or other Alarm, shall be fined Twenty Pounds
 Current Money.

XV. Any Soldier refusing to serve as Serjeant, Cor-
 poral, Drummer, or Trumpeter, in the Troop or Com-
 pany wherein he is listed, being known to be capable,
 and thereunto appointed by his Captain, shall be fined
 Five Hundred Pounds of Tobacco; which being once

Ann. 1723 paid, he shall thereafter be exempted from being fined
Cap. 2. for any such Refusal.

Pa. 336. XVI. Every Captain of a Troop or Company shall, at every Muster, cause to be taken an exact Account in Writing, of every Default or Offence against this Act made or committed in his Troop or Company, by whom made or done, and at what Time, and sign the same with his own Hand, and cause it to be delivered to the Field Officers and Captains, at their next Meeting, for fining Offenders.

XVII. The Field Officers and Captains of every County, or the major Part of them, whereof the Colonel, Lieutenant-Colonel, or Major, shall be one, may meet Yearly, at the Court-house of the County, on the First *Thursday*, in *October*, or in Case of Failure then, on the *Thursday* following, to inspect the several Lists or Accounts † given in by the Captains, as aforesaid, and to fine every Offender therein charged, according to the Directions of this Act.

† *Pa.* 337.

XVIII. *Provided*, Such Field Officers and Captains may not meet at any other Place or Times, than the Place and Times aforesaid, nor fine any Offender for any Offence against this Act, made or done above a Year.

XIX. The said Field Officers and Captains, at their Meetings, as aforesaid, may, upon any Cause which they shall judge reasonable, excuse any Officer or Soldier charged with any Offence, from the Fine thereby incurred.

XX. Where any Person on whom any Fine shall be laid, by Virtue of this Act, by the said Field Officers and Captains, shall fail or refuse to pay the same to the Sheriff, in Specie, upon Sight of a Copy of their Order, the Sheriff shall apply to the chief Commanding Officer residing in the County, who shall make out his Warrant, directed to the said Sheriff, commanding him to levy the same by Distress and Sale of the Offender's Goods, and to make Return of his Proceedings to the Clerk attending the said Officers, at their Meeting, to be by him entred on the Register. And if the Sheriff shall thereupon return, that he can find no Goods whereon to make Distress, the said chief commanding Officer, by Warrant, under his Hand, directed to the Sheriff, shall cause the Body of the said Offender to be committed to the County Goal, without Bail or Mainprize, until he shall satisfy the same Fine, and all Fees incident, in the same Manner as in Executions served at Common Law.

XXI. The

XXI. The said Field-Officers and Captains may appoint and employ a Clerk to attend them at their said Meetings, and to keep a Register of all their Proceedings; and may allow the said Clerk such Salary for his Service, and for providing necessary Books and Paper for their Use, (payable out of the Fines accruing by this Act,) as they shall think reasonable. Ann. 1723
Cap. 2.
Pag. 337.

XXII. The said Field Officers and Captains, at their Meetings, as aforesaid, may dispose of the Fines mentioned in this Act, as to them shall, in their Discretions, seem best, for paying a Clerk, as aforesaid, and for furnishing the * several Troops and Companies belonging to the County, with necessary Drums, Colours, Trumpets, Leading Staffs, Partizans, and Halberts; and after all those, for providing Arms and Ammunition for the County's Use. *Pa. 338.

XXIII. Every Captain of a Troop or Company may take one of the Soldiers, under his Command, to be Clerk to his Troop or Company, who shall be excused from carrying Arms at any Muster; except in Case of a Rebellion or Invasion.

XXIV. Every Commission Officer in the Militia shall, before he acts under such Commission, take the Oaths appointed by Law to be taken, instead of the Oaths of Allegiance and Supremacy, the Abjuration Oath, and subscribe the Test; and every Colonel, Lieutenant-Colonel, Major, and Captain, at the Time of their Meeting, to fine Offenders, shall also take the following Oath:

I A. B. do swear, That I will do equal Right and Justice to all Men, to the best of my Judgment, according to the Directions of the Act, intituled, An Act, For the Settling and better Regulation of the Militia.

Which Oath shall be first taken by the presiding Officer then present, and shall by him be administered to the rest of the Officers.

XXV. Nothing in this Act shall debar any Captain from admitting any able bodied White Man, above the Age of Sixteen, to serve in his Troop or Company, in the Place of any Person required by this Act to be listed.

XXVI. The Act of 4 *Annæ*, cap. 24, repealed.

Ann. 1705

Cap. 41.

Pa. 197.

MILLS.

§ I. 4. *Ann.* **I**F any Person willing to build a Water-cap. 41. Mill on some convenient Run, hath Land only on one Side thereof, and the Owner of the Land on the other Side shall refuse to let him have an Acre of Land adjoining, at a reasonable Rate, for Convenience of the same; the Court of the County where such Land lies, upon Petition of the Party so refused, shall order Two Commissioners, or such other credible Persons, as they think fit, to view the said Land; and if it takes not away Housing, Orchards, or other immediate Conveniences, to value the * same, and put the Party desiring to build such Mill, in Possession thereof; which Possession shall be good to create a Fee-Simple in the same, to such Party, and his Heirs.

* Pa. 198.

II. *Provided*, Such Party forthwith pays down the Money to the Owner thereof, upon such Valuation.

III. *Provided also*, That such Party shall, within One Year, begin to build a Water-Mill and finish the same in Three Years; and shall after, keep up the same, for the Use and Ease of the Customers to it, else the said Land shall return to the Person it was taken from, or those who have his Right.

IV. *Provided*, If any Water-Mill belonging to any Person under Age, Feme Covert, *Non Compos Mentis*, or imprisoned, be let fall, burnt or destroyed; such Person, and his or her Heirs, shall have Three Years to rebuild and repair the same, after such Disability removed.

V. When there shall be a Public Mill standing upon any Run, no other Mill or Dam shall be built upon the same Run below such Mill, within a Mile thereof; nor upon the same Run above such Mill, without the particular Leave of the General Court, or the Court of that County in which such new Mill is to be set.

VI. *Provided*, Nothing in this Act, shall be construed to prohibit the finishing of any Mill now begun upon any Run, where another Mill is standing.

VII. *Provided also*, That where any Owner of a Mill built, or to be built, conceives himself injured by the building of any Water-Mill on the same Run, such Owner may bring an Action on the Case, against the Owner of such latter built Mill, as might have been done before making this Act.

VIII. AN

VIII. All Millers shall grind according to Turn, and sufficiently grind the Grain brought to their Mills, and shall take no more for Toll or Grinding than one Eighth Part of Wheat, and one Sixth Part of *Indian* Corn; and every Miller or Keeper of a Mill, making Default in any of those Particulars, shall, for every such Offence, forfeit Fifteen Shillings to the Party injured: To be recovered, with Costs, before a Justice of the County where such Offence is committed. Anno 1705
Chap. 41.
Pa. 198.

* IX. *Provided*, The Owner of any Mill, may cause his own Grain to be grinded at any Time he thinks fit. * Pa. 199.

X. All Millers shall keep in their Mills, of *English* sealed Measures, or sealed by the Court of the County where such Mill is, a Bushel, Half-Bushel, and Peck; and shall measure all by strike Measure, and use no Toll-Dish but what shall be also sealed by the County Court, (who shall provide an Iron Brand at the County Charge for that Use.) And every Owner of a Mill, by himself or Servant keeping the same, and failing to provide such Measures and Toll-Dishes, shall forfeit Fifteen Shillings to the Informer: To be recovered, with Costs, before a Justice of the County. And if any Miller, keeping a Mill, be a Servant or Slave, the Master or Owner shall be answerable for such Miller's Defaults, in the Cases aforesaid: And where the Master lives out of the County, and has no known Attorney in the County for that Purpose, upon Complaint, for any the Abuses aforesaid, the Appearance of such Servant or Slave, shall be sufficient for the Justice, to proceed against the Master or Owner, as if he or she appeared in Person; but if the Owner lives, or has a known Attorney, in the County, their Appearance shall be required.

XI. *Provided*, Where a Mill is kept by a Slave or imported Servant, who shall refuse to grind according to Turn, or shall grind Grain insufficiently, or exact more Toll than allowed by this Act; such Servant or Slave, for his first Offence, shall have Thirty Lashes, and for his Second, Forty Lashes, on his bare Back, well laid on, in Lieu of the Penalty given by this Act: And for every such Offence, after the Second, committed by such Servant or Slave, the Master or Owner shall be liable to pay the Penalty set by this Act.

XII. All Acts, &c. relating to any thing within the Purview of this Act, repealed.

XIII. 1. *Geo. 1. cap. 2.* After the last of November, One Thousand Seven Hundred and Fifteen, all Mill-Dams Ann. 1714
Cap. 2.
made, Pag. 299.

Ann. 1714. made, or to be made, on any of the great Roads, by Law
Cap. 2. appointed to be cleared as Public Roads, and the Bridge
Pa. 299. at the Flood-Gates, and the Passage at the Peerhead,
 shall be substantial and strong, and at least Ten Feet Broad
 at the Top, for the whole Length of such Dam, Bridge, and
 Passage; or the Owner or Occupier of such Mill, shall
 forfeit Two Thousand Pounds of Tobacco; and shall also
 forfeit Two Hundred Pounds of Tobacco for every Month
 such Mill-Dam, Bridge, or Passage, continues of less
 Breadth than Ten Feet afterwards.

XIV. If the Owner of such Mill shall be under Age,
 or out of the Colony, the Guardian of such Infant, and
 Attorney of such Owner, shall, at the Charge of such In-
 fant and Owner, make and keep such Mill-Dam, Bridge,
 **Pa.* 300. and Passage, of the Breadth above * directed, under the
 same Penalties and Forfeitures, as before given against the
 Owner or Occupier: All which Forfeitures and Penal-
 ties may be recovered, by Action of Debt, Bill, Plaint,
 or Information, in any Court of Record, by the Owner
 of any other Mill in the same County, whose Dam shall
 be according to the Directions of this Act; and who shall
 first sue for the same. And if there shall be no such
 Owner of a Mill in that County, or if such Owner does
 not sue in Two Months after the Forfeiture incurred;
 then by the Churchwardens of the Parish where such Mill
 shall be, for the Use of the Poor of such Parish.

XV. This Clause relating to Tenants of Mills, not
 having a Term for more than Two Years, after the last
 of *November*, One Thousand Seven Hundred and Fifteen,
 is expired and become useless.

XVI. *Provided*, That if any of the Mill-Dams, Peer-
 heads, or Flood-Gates aforesaid, happen to destroyed, or
 carried away by violent Rains, or any other Accident,
 the Owner shall not be liable to the Penalties aforesen-
 tioned, until One Month after such Mill shall have ground
 at least One Bushel of Corn, or other Grain, for Toll.

MINISTERS.

Ann. 1661 § I. 13. *Car.* 2. **F**OR the Preservation of Purity and
Cap. 4. *cap.* 4. Unity of Doctrine and Discipline in
Pag. 3. the Church, and the right Administration of the Sacraments,
 no Minister shall be admitted to officiate in this Country,
 but such as shall produce to the Governor a Testimonial,
 that he hath received his Ordination from some Bishop
 in *England*; and shall then subscribe to be conformable

to the Orders and Constitutions of the Church of *England*, and the Laws there established: Upon which the Governor is hereby requested to induct the said Minister into any Parish that shall make Presentation of him. And if any other Person, pretending himself a Minister, shall, contrary to this Act, presume to teach or preach publicly or privately, the Governor and Council are hereby desired and impowered to suspend or silence the Person so offending; and upon his obstinate Perseverance, to compel him to depart the Country, with the first Convenience, as it hath been formerly provided, by the 77th Act, made at *James City*, the Second of *March*, 1642. Ann. 1661
Cap. 4.
Pag. 3.

II. 13 *Car. 2. cap. 6.* That the Canons let down in the Liturgy of the Church of *England*, for celebrating Divine Service and Administration of the Sacraments, be duly observed and kept; and that the whole Liturgy, according to the said Injunctions, be, by the Minister or Reader, at Church and Chapel, every *Sunday* thoroughly read. Ann. 1661
Cap. 6.
Pag. 4.

III. 13 *Car. 2. cap. 7.* That neither Minister nor Reader teach any other Catechism, than that by the Canons appointed and inserted in the Book of Common-Prayer; and that the Minister expound no other than that, that our Fundamentals, at least, may be well laid; and that no Reader, upon Presumption of his own Abilities, do attempt the expounding that, or any other Catechism, or the Scriptures. Ann. 1661
Cap. 7.
Pag. 4.

IV. 13 *Car. 2. cap. 8.* That the Minister of every Parish preach constantly every *Sunday*, viz. One *Sunday* in a Month at each Chapel of Ease in his Parish, if there be any, and the other in his Parish Church; and that twice in a Year, at least, he administer the Sacrament of the Lord's Supper there. Ann. 1661
Cap. 8.
Pag. 4.

V. 1 *Geo. 2. cap. 6.* Every Minister now, or hereafter to be preferred or received into any Parish, shall have an Annual Salary, of Sixteen Thousand Pounds of Tobacco, of the Growth of that Parish, and Cask: To be levied and paid, as herein after directed. Ann. 1727
Cap. 6.
Pag. 392.

VI. The Vestry of every Parish shall, at some convenient Time before the Fifteenth of *October*, Yearly, meet and lay the Parish Levy; of which, Public Notice shall be given by the Minister or Reader, at each Church or Chapel, in the Parish: And every such Vestry shall levy and assess upon the tithable Persons in the Parish, the above Salary for the Minister, and all other the Parish Charges, with the Allowance of Ten *per Cent.* for collecting and bringing the same to some convenient Landing, to be shipped off. Y VII. Pro-

Ann. 1727 VII. *Provided*, Where any Parish shall be remote
Cap. 6. from a navigable River or Creek, where Tobacco is usual-
Pag. 392. ly shipped off, or shall extend so far outwards from such
 navigable River, that the Tobacco levied for the Minister's
 Salary, and other Parish Charges, cannot be made conve-
 nient, for the Allowance before-mentioned; the Vestry
 may assess, upon the tithable Persons in such Parish, so
 much more Tobacco, as they shall judge necessary to
 bring such inconvenient Tobacco to such convenient Land-
 ing, as aforesaid.

* *Pa.* 393. * VIII. Where any Tobacco is appointed by this or any
 other Act of Assembly to be paid in Cask, or where any
 Vestry shall contract for Tobacco and Cask for any Ser-
 vices for the Use or Benefit of the Parish, there shall be
 allowed Eight *per Cent.* for the Cask of all such Tobac-
 co; and the several Vestries shall assess the same accord-
 ingly in the Parish Levy: And all Collectors of such Le-
 vy shall make the same Allowance to any Person paying
 such Tobacco in Cask.

IX. The Vestry of every Parish shall appoint such Per-
 son as they think fit, to collect all the Tobacco to be rai-
 sed in such Parish: Which Collector shall enter into
 Bond, with sufficient Sureties, for the due collecting and
 paying to the several Parish Creditors, all Tobacco so le-
 vied; and shall have for his Trouble, and making the
 same convenient, the Allowance herein before appointed:
 And shall have Authority, on Refusal of Paiment of any
 Part thereof, by any Person chargeable therewith, to levy
 the same by Distress and Sale of the Things distrained.

X. The Collector of every Parish shall, before the last
 Day of *March* next following the laying of the Parish
 Levy, pay unto the Minister, and other Parish Creditors,
 all Tobacco levied for them: And where such Paiment is
 to be made with Cask, the same shall be paid in Hogf-
 heads, to contain at least Seven Hundred Pounds of Nett
 Tobacco: And such Minister, or other Creditor, shall
 receive the same in the Parish; and after such Receipt,
 the Collector, as soon as conveniently may be, shall roll
 such Tobacco to some Rolling-house, within a Mile of
 some Landing, from whence it may be shipped off.

XI. If the Vestry of any Parish shall neglect or re-
 fuse to levy the Tobacco due to the Minister, or other
 Parish Creditor; or if the Collector fails to pay the To-
 bacco levied by the Vestry to the Persons to whom the
 same shall be payable, according to the Directions of this
 Act; all and every the Vestrymen, and the Collector of
 such

such Parish, shall be liable to the Action of the Party *Ann. 1727*
 grieved, his or her Executors or Administrators, for all *Cap. 6.*
 Damages to be sustained, by reason of the Non-payment *Pag. 393.*
 of such Tobacco.

XII. In every Parish where good and convenient Glebes are not already purchased and appropriated, a good and convenient Tract of Land, to contain at least Two Hundred Acres, may be purchased by the Vestry, and shall be set apart for a Glebe, for the Use of the Minister of such Parish, and his Successors: And where Mansion-houses and other Out-houses, and Conveniences, are not erected for the Minister's Habitation; † the Vestry of every such Parish may erect and build on such Glebe, one convenient Mansion-house, and such convenient Out-houses, as they shall think fit; and shall and may levy the Charge of such Buildings and Purchase of such Glebe, on the tithable Persons in such Parish. † *Pa. 394.*

XIII. Every Minister shall, during his Incumbency, keep and maintain the Mansion-house, and Outhouses, on his Glebe, in tenantable Repair, and shall so leave the same at his Removal from the said Parish, or his Death, (the Accidents of Fire and Tempests only excepted:) Or such Minister, his Executors and Administrators, shall be liable to the Action of the Churchwardens of the Parish, wherein the Value of such Repairs shall be recovered, in Damages, with Costs of Suit. And the Damages so recovered, shall be laid out, in making necessary Repairs upon the Glebe. And every Vestry of a vacant Parish, shall put all the Buildings upon their Glebe, into such good and sufficient Repair, that it may be fit for the Reception of the succeeding Minister.

XIV. When any Parish shall become vacant, the Vestry thereof may levy any Quantity of Tobacco, not exceeding Sixteen Thousand and Cask, and make the same convenient, in Manner before directed; to be applied towards satisfying some neighbouring, or other Minister or Ministers, for serving in the Cure of such Parish, during such Vacancy.

XV. The Acts of 13 *Car. 2. cap. 3.* and 8 *William and Mary, cap. 11*, repealed.

M O N E Y.

§ I. 13 *Car. 2. cap. 116.* **N**O false Money shall pass for Current in this Country; but Pieces of Eight, that are good and of Silver, shall pass for Five Shillings. *Ann. 1661. Cap. 116. Pag. 11.*

Ann. 1661 *Shillings* Current Money; upon Penalty of Twenty
Cap. 116. Shillings, to be paid by the Refusers of them; (repealed
Pag. 21. by Sect. 8, which see) and none shall export Money out
of this Country, above the Sum of Forty Shillings; if any
shall exceed the said Sum, to forfeit double thereof.

Ann. 1714 *II. 1 Geo. 1 cap. 1.* The several Species of Gold
Cip. 1. Coin hereafter-mentioned, shall be Current in all Pai-
Pag. 298. ments here, at the following Rates: All Pieces of *Brit-
tish* Gold Coin, not milled, and all *Spanish* or *French*
coined Gold, all Pieces of coined Gold of the *Empire*,
all *Chequeens*, and *Arabian* Pieces of Gold, and *Moi-
dors* of *Portugal*, and all lesser Pieces of that Species,
shall pass, at and after the Rate of Five Shillings the
Penny Weight; and all Guineas shall pass at Twenty Six
Shillings a Piece, and the Half Guineas, in Proportion.

III. The several Pieces of *Sterling* milled Money cal-
led Crowns, Half Crowns, Shillings and Six Pence,
shall pass at the Rate of Five Shillings and Ten Pence
for each milled Crown; and the other Pieces according
to that Proportion: And all old *British* Silver Coin,
not milled, shall pass at the Rate of Three Pence Three
Farthings the Penny Weight. (See Sect. 8. 15.)

IV. If any Person refuses to receive any of the afore-
said Coins of Gold or Silver, when tendred in Paiment of
a Money Debt, contracted after Publication of this Act, at
the Value hereby set; such Person shall forfeit, to the Per-
son tendring the same, such Sum of Money, as he or she
so refuses to take: To be recovered, by Action of Debt, or
Information, in any Court of Record; no Effoin, Pro-
tection, or Wager of Law, to be allowed. And if the
said Forfeiture be less than Twenty Shillings; to be reco-
vered, before any Justice of the County, where such Re-
fusal is made.

V. If any Person shall coin, counterfeit, falsify, or de-
base any of the said Coins, or be aiding, consenting, or coun-
selling therein, such Person being thereof lawfully convic-
ted, shall be adjudged as guilty of High Treason, and suffer
such Pains, Penalties, and Forfeitures, as are inflicted on
Offenders in such Cases, by the Laws of *England*.

VI. *Provided*, Nothing in this Act shall extend to a-
ny Money Paiment already due, or to the Paiment of any
of his Majesty's Revenues arising here, or any Salaries
payable out of the same, or to any Paiment to be made
for any Debt due on a Bill of Exchange protested, or on
any Specialty expressed, to be due in *Sterling* Money,
or on any Debt contracted in *Great-Britain*,

* VII. *Provided*

* VII. *Provided also*, That nothing herein, shall extend to restrain his Majesty from regulating the several Rates of the said Coins, in such other Manner, as he, by his Royal Proclamation or Instructions to his Governor here, shall, from Time to Time, judge proper. Ann. 1714
Cap. 1.
* Pa. 299.

VIII. 1 *Geo. 2. cap. 9.* The several Species of Coin hereafter mentioned, shall be Current in all Paiments here, at the following Rates: Pieces of Eight of *Mexico*, *Sevil*, and *Pillar*, Duccatoons of *Flanders*, Ecues of *France*, or Silver *Louis*, and Crusadoes of *Portugal*, and all Halves, Quarters, and lesser Pieces of the same, shall pass at Four Pence the Penny Weight; and all *Peru* Pieces, cross Dollars, and old Rix Dollars of the *Empire*, and all lesser Pieces of the same, shall pass at Three Pence Three Farthings the Penny Weight; and all *English* milled Silver Money, shall pass at the Rate of Six Shillings and Three Pence the Crown Piece; and all Half Crowns, Shillings and Six Pences, in the same Proportion. Ann. 1727
Cap. 9.
Pa. 401.

IX. If any Person refuses to receive any of the aforesaid Coins or Monies, when tendred in Paiment of a Money Debt, at the full Value set by this Act; such Person shall forfeit, to the Party tendring the same, such Sum of Money, as such Person so refuses: To be recovered, by Action of Debt, in any Court of Record; no Effoin, Protection, or Wager of Law to be allowed. And * if the Forfeiture be less than Twenty Shillings, to be recovered, before any Justice of the County, where such Refusal is made. * Pa. 402.

X. If his Majesty, &c. hereafter thinks fit to permit Copper Money to be brought in and pass here, the same shall be Current here, at the like Rates it doth pass in *Great-Britain*.

XI. *Provided*, No Person shall be obliged to take above Two Shillings and Six Pence of the said Copper Money, in any one Paiment above Twenty Shillings, or above One Shilling of the same, in any one Paiment under Twenty Shillings.

XII. If any Person shall coin, counterfeit, falsify, or debate any of the Coins abovementioned, or be aiding, consenting, or counselling therein; such Person being thereof lawfully convicted, shall be adjudged as Offenders in Treason; and shall suffer such Pains, Penalties, and Forfeitures, as are mentioned in the Act of Parliament 18 *Eliz. cap. 1.*

XIII. *Provided*, Nothing in this Act, shall extend to any Money Paiment already due, or to his Majesty's Revenues,

Ann. 1727 venues arising here, or the several Salaries payable out of
Cap. 9. the same, or to any protested Bills of Exchange, or any o-
Pag. 402. ther Specialty limited to be *Sterling* Money, or any Debt
 contracted in *Great-Britain*.

XIV. *Provided also*, That nothing herein, shall extend to restrain Majesty, from regulating the several Rates of the said Coins, in such other Manner, as he, by his Royal Proclamation or Instructions to his Governor here, shall, from Time to Time, judge proper.

XV. The Act of 9 *Ann. cap.* 10. and so much of the Act 1 *Geo. 1 cap.* 1. as relates to ascertaining the Value of the *British* Silver Coin, repealed.

* *Pa.* 403. * XVI. No Foreign Gold Coin whatsoever, cut into lesser Pieces, shall, hereafter, be passed in any Payment here.

M U R D E R.

Ann. 1710

Cap. 12, § I. 9 *Ann.* **I**F any Woman, not being a Slave, be
Pag. 256. *cap.* 12. delivered of any Issue of her Body, which being born alive, should by Law, be a Bastard, and endeavours privately, by drowning, secret burying, or any other way, by herself, or the procuring of others, so to conceal the Death thereof, that it may not come to Light, whether it was born alive or not; the Mother so offending, shall suffer Death, as in Case of Murder, except she can make Proof, by One Witness at least, that the Child (whose Death was by her so intended to be concealed) was born dead.

II. This Act shall be read Yearly on some *Sunday* in *May*, in every Church and Chapel, by the Minister or Reader, immediately after Divine Service; under the Penalty of Five Hundred Pounds of Tobacco, for every Omission: To be recovered, with Costs, by the Informer in an Action of Case; in which no Effoin, Protection, Wager of Law, or more than One Impar lance shall be allowed. And the Churchwardens of every Parish, shall provide a Copy of this Act, at the Parish Charge; under the Penalty of Five Hundred Pounds of Tobacco: To be recovered in Manner aforesaid.

N A T U R A L I Z A T I O N.

NATURALIZATION.

Ann. 1680

Chap. 2.

Pa. 79.

§ I. 32 Car. 2.
cap. 2.

TH E Governor or Commander in Chief, by a publick Instrument under the Seal of the Colony, may declare any Alien or Aliens, already settled, or that shall come to settle here, having first taken the Oath of Allegiance before him, to be, to all Intents and Purposes, completely naturalized: And such Aliens, so approved of and named in the Letters Patents, as aforesaid, shall, by virtue of this Act, enjoy to them and their Heirs, the same Immunities and Rights, of and to the Laws and Privileges of this Colony; and as fully and amply, as any of his Majesty's Natural born Subjects; and as if they themselves had been born within any of his Majesty's Realms or Dominions. (See Sect. 5.)

II. The Governor or Commander in Chief, shall receive for the same, Forty Shillings; and his Clerk for writing it, Ten Shillings, and no more. Sect. 5.

III. Every Person who shall have bought of any Alien, any Lands, Houses, or Tenements, shall, by Virtue of this Act, be for ever confirmed in the quiet and peaceable Possession of the said Purchasers, to them and their Heirs for ever. (See Sect. 5.)

IV. *Provided*, Nothing in this Act shall enable any Foreigner to do or execute any Matter or Thing, which, by any of the Acts made in *England*, concerning his Majesty's Plantations, he is disabled to do or execute. (Sect. 5.)

Note, This Act was brought over by the Lord Culpeper, under the great Seal of *England*, with full Power to give the Royal Assent to it, and passed the Assembly unanimously; therefore could not be repealed by the Act, 4 Ann. cap. 45. here following.

V. 4 Ann. cap. 45. This Act is almost *verbatim*, the same as the Former, except that this directs, that the Aliens shall take the Oaths to the Government, since appointed by Authority of Parliament; and there being the same Clauses in this, as Sect. 3, all Purchases from Aliens made before this latter Act, are thereby confirmed.

Ann. 1705

Cap. 45.

Page 210.

Ann. 1705

Cap. 40.

Pag. 194.

ORDINARIES.

§ I. 4 Ann.
cap. 41.

AL L Persons retailing Liquors, shall sell the same by sealed Measures; and all licenced Ordinary-keepers, shall be provided with Gallon, Pottle, Quart, Pint, and Half Pint, sealed Measures; on Penalty of forfeiting, to the Informer, Ten Shillings Current Money, with Costs: To be levied by Distress, by Warrant from a Justice of the County where the Offence is committed.

II. *Provided*, Every Person retailing Liquors in any Public House, may sell any Liquors in Bottles, the same being told for no more than they contain.

III. Every Person retailing Liquors in his or her House, without Licence first obtained, shall forfeit Two Thousand Pounds of Tobacco; which Licence shall be obtained in Manner following: Upon a Petition to the County Court, such Court shall judge whether it is convenient to suffer an Ordinary to be set up, according to such Petition; and whether the Petitioner be able to comply with the Intent of the Law, in providing for Travellers and their Horses, and upon Security given, may grant or reject such Petition: But such Court shall not, on Pretence of keeping any poor Body from the Parish Charge, grant Licence to any Person to keep Ordinary, except such only as shall be able to find, and provide continually, necessary Entertainment; and shall have Housing fitting for the same, according to the Intent of this Act. And such Petition being approved, the Court shall take Bond of the Petitioner, with good Security; in Form, and with the Condition following:

KNOW all Men by these Presents, That We, A. B. and C. D. are held and firmly bound unto our Sovereign Lady Anne, by the Grace of God, of England, Scotland, France, and Ireland, Queen, Defender of the Faith, &c. in the Sum of Ten Thousand Pounds of † Tobacco, convenient in the said County of E. To which Paiment well and truly to be made, to our said Sovereign Lady the Queen, her Heirs, and Successors, we bind ourselves, and every of us, our, and every of our Heirs, Executors, and Administrators, jointly and severally, firmly, by these Presents. In Witness whereof, we have hereunto set our Hands and Seals, the

Day of
THE

† Pa. 195.

TH E Condition of this Obligation is such, That *Ann. 1705*
 whereas the above bound *A. B.* hath obtained a Cap. 40.
 Licence to keep an Ordinary at *if there- Pag. 195.*
 fore the said *A. B.* doth constantly find and provide in
 his said Ordinary, good, wholesome, and cleanly Lodg-
 ing and Diet for Travellers, and Stableage, Fodder and
 Provender, or Pasturage and Provender, as the Seaton
 shall require, for their Horses, for and during the Term
 of One Year, from the Day of
 and shall not suffer or permit any unlawful Gaming in
 his House; nor on the Sabbath Day, suffer any Person to
 tittle and drink more than is necessary: Then this Obl-
 gation to be null, void, and of none Effect; otherwise to
 be and remain in full Force, Power, and Virtue.

The Bond and Security thus taken, the Court may grant
 their Order, upon which the Clerk shall prepare a Li-
 cence, and present it to the first Justice for that County,
 who shall sign the same; and such Licence shall continue
 for One Year only, from the Date of the said Order.

IV. The Person obtaining such Licence, shall pay
 Thirty Five Shillings Current Money, for the Use of the
 Governor or Commander in Chief.

V. If any Ordinary-keeper shall permit in his House
 unlawful Gaming, or suffer any Person on the Lord's-
 Day, or other Day set a-part by Authority for religious
 Worship, to tittle or drink more than is necessary, or
 shall harbour or entertain any Seamen or Servants, con-
 trary to the Intent of this Act; any Two Justices (*Quo-*
rum unus) on their own View or Knowledge, or upon
 Proof made to them, by the Oath of one credible Wit-
 ness, may suppress such Ordinary until the next Court:
 And upon Certificate made by the said Two Justices, of
 the said Offence, and further Inquiry into the same, the
 Court may disable the Offender from keeping Ordinary
 after, until they think fit to grant him a new Licence; or
 restore him to keep Ordinary upon the former Licence:
 And if any Ordinary-keeper sells or retails any Liquor
 after he hath been discharged by the said Two Justices,
 and before he be restored by the Court; he shall be liable
 to all the Penalties and Forfeitures, as if he had never
 obtained a Licence.

VI. The Justices of each County shall, Annually, in
 March Court, set and rate the Prices that Ordinaries shall
 entertain and sell at; that is, of Liquors, according to
 the Measures afore-mentioned; and of Diet, Lodging;
 Fodder;

An. 1705 Fodder, Provender, and Pasturage; upon Penalty of forfeiting Five Thousand Pounds of Tobacco.

Pro. 195. † VII. *Provided*, If any County Court failing therein, because a sufficient Number of Justices did not meet in *March*, shall, at the next County Court do the same, they shall not be culpable by this Law.

† *Pa. 196.*

VIII. If any Ordinary-keeper asks, demands, receives, or takes, greater Prices for any Drink, Diet, Lodging, Fodder, Provender, or Pasturage, than shall be set by the Justices, as aforesaid, he or she shall, for every such Offence, forfeit Ten Shillings to the Informer: To be recovered, with Costs, before a Justice.

IX. Every Ordinary-keeper shall, within One Month after the Rates so set, obtain of the Clerk of the Court, a fair Table of the said Rates, and openly set up the same in his or her common entertaining Room, there to be constantly kept, until the Rates be again set by the Court, under the Penalty of Two Thousand Pounds of Tobacco: One Half of all the Forfeitures before-mentioned, not appropriated, to the Queen, &c. towards Support of this Government; the other to the Informer: To be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record; no Escoin, Protection, or Wager of Law, to be allowed.

X. If any Person, contrary to the Intent of this Act, keeping a Tippling-house, or retailing Liquors, without Licence, and being thereof lawfully convicted, shall not pay down the said Fine of Two Thousand Pounds of Tobacco; or on such Conviction, give Security to pay the same at the Crop; such Person, by Order of the Court before whom such Conviction is, shall receive Twenty One Lashes on the bare Back, well laid on, at the Public Whipping-Post, in Lieu of paying the said Fine; and in such Case, the Informer shall not be chargeable with any Fees, by reason of such Information.

XI. If any Ordinary-keeper, or Master of a Tippling-house, shall trust or sell Drink to any Sailor in actual Pay on board any Ship, for any Value whatsoever, upon Credit; or to any Person, not Master of Two Servants, or visibly worth Fifty Pounds *Sterling*, at least, more than the Value of Three Hundred * Pounds of Tobacco; such Ordinary-keeper, or Master, shall lose all such Overplus Tobacco and Money for which he or she gives such Credit: And if such Ordinary-keeper or Master takes or gets from any Person trusted, as aforesaid, any Obligation, Bill, or other Security, for any Sum above

* *Pag. 197.*

bove Three Hundred Pounds of Tobacco spent in One Ann. 1705
Year, under Pretence that it is for other Goods; such Cap. 40.
Ordinary-keeper shall forfeit his Licence, and double the Pag. 197.
Sum of such Obligation so covenantously taken; to be di-
vided and recovered, as in Sect. 9. (*See Sect. 17.*)

XII. If any Ordinary-keeper harbours, entertains, or
sells any Liquor to any Sailor, in actual Pay on board
any Ship; or any Servant, without Licence from their
respective Masters; such Ordinary-keeper shall, for eve-
ry such Offence, forfeit Ten Shillings to the Master of
such Sailor or Servant: To be recovered, with Costs, on
Complaint of such Master to a Justice of the County
where such Ordinary-keeper lives.

XIII. *Provided*, Nothing herein shall extend to the
Ordinary-keepers of *Williamsburg* giving Credit to any
Person whatsoever, in the Time of the General Court, or
during the sitting of a General Assembly.

XIV. All Acts, &c. relating to any thing within the
Purview of this Act, repealed.

XV. 9 *Ann. cap. 14.* No Person shall sell by Retail, Ann. 1710
any Wine, Beer, Cider, Brandy, Rum, or Spirits, in Hou- Cap. 14.
ses, Booths, Arbours, Stalls, or other Place whatsoever, Pag. 269.
without a Licence for that Purpose first obtained, in Man-
ner directed by 4 *Annæ, cap. 40.* (*which see Sect. 3.*)
under the Penalties and Forfeitures contained in the said
Act, for selling Drink without Licence. (*See Sect. 3,*
10, 11.)

XVI. *Provided*, Nothing herein shall be construed to
restrain any Merchant, or other Person, to sell in what
Quantity he pleases, any of the afore-mentioned Liquors,
not intended to be tippled or drunk out at the Houses,
Stores, or Plantations, where the same are sold.

XVII. 8 *Geo. 2. cap. 14.* If any Ordinary-keeper, or Ann 1734
other Person, after the Fifteenth Day of *November* next, Cap. 14.
shall sell any Wine, Beer, Rum, and other distilled Spi- Pag. 31.
rits, or mixed Liquors by Retail, exceeding Twenty Shil-
lings Current Money, or the Value thereof, in any One-
Year, to any Person, upon Credit; he or she shall not
receive any Money, Tobacco, or other Commodity, for
such Liquors so sold. And if any Warrant, Petition,
Writ, or Bill, be sued forth or exhibited against any Per-
son, for Liquors so sold, above the Value aforesaid, the
same shall be dismissed, and the Defendant have double
Costs.

XVIII. *Provided*, Nothing herein shall be con-
strued to restrain any Merchant or Factor, keeping Store,

Ann. 1734 for Sale of Merchandize, from selling any of the Liquors
Cap. 14. aforesaid; or recovering any Money or Tobacco, due for
Pag. 32. the same, in such Manner, as he might do, if this Act
 had never been made.

XIX. *Provided also*, This Act shall not extend to the Ordinary-keepers of *Williamsburg* giving Credit to any Person whatsoever, in the Time of the General Court, or during the sitting of the General Assembly.

O R P H A N S.

Ann. 1661 § I. 13 *Car.* 2. **T**HE several County Courts shall
Cap. 67. take into their serious Consideration
Pag. 15. and Care, that the Lands in their County, belonging to any Orphan, be not aliened, sold, or taken up, as deserted Land, by any Persons, during the Minority of the Orphan: And that the Guards or Overseers of any Orphan, do not let, set, or farm out any Land belonging to any Orphan for longer Term than the Orphan be of Age; and that an especial Care be had, that the Tenant shall improve the Plantation, by planting an Orchard, and building a good House; and that the Tenant be bound to maintain a good Fence about the Orchard, and keep the House in sufficient Repair, and leave it Tenantable at his Surrender; and that Provision be made in the Lease, for preventing all Waste of Timber, or employing it to any other Use, than the Use of the Plantation. (*See Lands, Sect. 40, 41, 42.*)

P A R D O N.

Ann. 1680 § I. 32 *Car.* 2. **A**LL Treasons, Misprision of Treasons, Murders, Felonies, Crimes, and Misdemeanors, committed by any Person upon or before the Sixteenth Day of *January*, 1676, (other than those hereafter excepted,) by Colour of any Authority * from Sir *William Berkeley*, late Governor, or any Person pretending any Authority from the Assembly held in *June*, 1676; or from *Nathaniel Bacon*, Jun. deceased, or any other Person pretending to derive any Authority from any of them, shall be pardoned, as fully, as if every of them were herein particularly named.

II. Every Person, his Heirs, Executors, and Administrators, (except as hereafter excepted,) engaged in *Bacon's* Rebellion, shall enjoy all their Estates, Real and Personal,

Personal, forfeited for the Crimes aforesaid, as freely as *Ann. 1680* if they had not been forfeited, subject notwithstanding to *Cap. 1.* the Payment of such Persons just Debts. *Pag. 70.*

III. Except the said *Nathaniel Bacon*, Jun. who, by Virtue of this Act, is adjudged to be attainted of High-Treason, as if he had been convict by due Course of Law in his Life-time; and all the Estate, Real and Personal, whereof he was seised or possessed, on the Fifth of *June*, 1676, or after, in this Colony, is hereby declared to be forfeited to, and vested in His Majesty, &c. without any Office.

IV. *Provided also*, That *Giles Bland*, *Anthony Arnold*, *Richard Turner*, *Richard Pomfrey*, *John Isles*, *Robert Stoakes*, *John Whitson*, and *William Scarborough*, alias *Scarburgh*, who were attainted and executed; and *Richard Lawrence*, who fired *James City*, and is since fled, and their Estates, are out of this Act wholly excepted.

V. * *Provided also*, If *Joseph Ingram*, *Gregory Walk-* * *Pa. 77:*
late, *Thomas Whaley*, *John Forth*, and *John Langstone*, accept or exercise any Office or Public Employment in *Virginia*; such of them as so do, shall stand, as if they had been totally excepted by Name out of this Act.

VI. No Suit or Satisfaction, shall be prosecuted or made for any Wrong or Injury, committed between the First Day of *May*, and Sixteenth Day of *January*, One Thousand Six Hundred and Seventy Six, for which Judgment hath not been obtained, before the Twenty Fifth of *April*, One Thousand Six Hundred and Seventy Nine.

VII. *Provided*, The Goods of any Person not engaged in the said Rebellion, wrongfully taken away between the Times aforesaid, may be sued for, and recovered of any Person having Possession of the same.

VIII. The Time incurring between the First of *May*, and Sixteenth of *January*, aforesaid, shall not be accounted Part of the Time of Service of any Christian White Servant engaged in the said Rebellion.

IX. No Proceedings whatsoever, in Law or Equity, before passing this Law here shall be avoided, by reason the Governor or Councillors were † not vested with le- † *Pa. 78.*
gal Authority.

X. And whereas, during the Licentiousness of the late Times, several ill disposed Persons took upon them to asperse the Government, and defame the Governor, and chief Magistrates of the said Colony, raising false
and

Ann. 1680 and scandalous Reports; without which our good Sub-
Cap. 1. jects there, could not have been so easily led away, which
Pag. 78. cannot but tend to the future Disturbance of the Peace
 and Welfare thereof, if not timely prevented, by inflic-
 ting Punishments proportionable to the Greatness of the
 Crime:

XI. *Be it therefore Enacted, by the King's most ex-
 cellent Majesty, by and with the Advice and Consent of
 the General Assembly,* That whosoever shall, after pas-
 sing this Act, maliciously and advisedly, by writing,
 speaking, or otherwise, express, publish, utter, or declare,
 any Words, Sentences, or other Thing or Things, to in-
 cite, or stir up the People to the Dislike of any Person,
 appointed by His Majesty, to be Governor or Command-
 er in Chief of the said Colony, or tending to the Disho-
 nour or Defaming him; and being thereof legally convic-
 ted, shall be imprisoned One Year, without Bail or
 Mainprize, and incur such Forfeiture, as shall be adjudg-
 ed, not exceeding Five Hundred Pounds, to the King,
 his Heirs, and Successors.

XII. Whosoever shall, maliciously and advisedly, by
 writing, speaking, or otherwise, express, publish, utter,
 or declare, any Words, Sentences, or other Things, to
 incite or stir up the People to the Dislike of His Majesty's
 Councillors, Judges, or other principal Officers, within
 the said Colony, or tending to the Dishonour or Defam-
 ing of them; and being thereof legally convicted, shall be
 imprisoned Three Months, without Bail or Mainprize,
 and incur such Forfeiture as shall be adjudged, not ex-
 ceeding One Hundred Pounds, to the King, his Heirs,
 and Successors.

P E N A L L A W S.

Ann. 1727 § I. 1. *Geo.* 2. **T** H E Grand Juries of the several
Cap. 13. *cap.* 13. Counties may present, and the Courts
Pag. 410. of such Counties, hear and determine all Presentments
 for Offences made Penal by the Laws of this Country,
 altho the Penalty thereby inflicted, does not amount to
 Twenty Shillings *Sterling*, or Two Hundred Pounds of
 Tobacco.

II. After the Fifteenth of *April*, Seventeen Hundred
 and Twenty Eight, when any Offence shall be presented
 by any Grand Jury, and the Penalty by Law inflicted
 on such Offence, shall not exceed Five Pounds Cur-
 **Pa.* 411. rent Money, or One Thousand Pounds of Tobacco, * such
 Present-

Presentment need not be drawn up in other Form, than as the same stands presented by the Grand Jury; and thereupon, the Court shall order a Summons to issue to summon the Person presented, to appear and answer such Presentment at the next Court; and shall not admit of any Exception or Pleading to the Form or Manner thereof, but proceed to Trial, and give Judgment thereon, according as the very Right of the Cause and Matter in Law, shall appear unto them. *Ann. 1727*
Cap. 13.
Pag. 411.

III. Where any Demurrer shall be joined and entred in any Suit or Action, brought upon any Penal Law, where the Penalty sued for, shall not exceed Five Pounds Current Money, or One Thousand Pounds of Tobacco, the Court shall proceed and give Judgment, according to the very Right of the Cause, and as the Matter of Law appears to them; without regarding any Imperfection, Omission, or Defect, in any Writ, Return, Plaint, Declaration, Information, or other Pleading, Process, or Proceeding, except those only specially set down and expressed in the Demurrer, as Causes of the same; notwithstanding such Imperfection, Omission, or Defect, might have heretefore been taken to be Matter of Substance, so as sufficient Matter appears in the said Pleadings; upon which the Court may give Judgment according to the very Right of the Cause.

IV. If any Verdict is given in any such Action or Suit, the Judgment thereupon shall not be stayed or reversed for any Default in Form, or Want of Form in any Writ, original or judicial, or by reason of any imperfect or insufficient Return of any Sheriff or other Officer, or for any insufficient Pleading, or Mis-joining the Issue, or for any Matter of the like Nature.

P R I S O N S.

§ I. 4. *Ann.* **E** V E R Y County Court, at the County Charge, shall cause to be built and kept in good Repair, One common Goal, or County Prison, to be built of Brick or Timber, after the Manner of *Virginia* Housing; the Chimneys and Windows strongly grated with Iron Bars, and the Doors strongly secured with good Locks and Bars of Iron: And shall also cause to be built and maintained as aforesaid, near the Court-house, One Pillory, Whipping-Post, and a Pair of Stocks; or every Magistrate of such Court failing, shall forfeit Five Hundred Pounds of Tobacco: One Moiety to ~~the~~

Ann. 1705
Cap. 10.
Pa. 145.

Ann. 1705 the Queen, &c. for Support of this Government; the o-
Cap. 10. ther to the Informer: To be recovered, with Costs, by
Pag. 145. Action of Debt, Bill, Plaint, or Information, in any

Court of Record; no Effoin, Protection, or Wager of
 Law to be allowed: And shall also be liable to pay all
 Sums recovered against the Sheriff of their County, upon
 any Escape happening, by Reason of such Failure to cause
 a Prison to be built as aforesaid: To be recovered, by
 such Sheriff, his Executors and Administrators, with all
 Costs and Damages sustained by such Recovery against him,
 in the General Court, by Action of Debt, Bill, Plaint,
 or Information; to be brought against them, or the Sur-
 * *Pa.* 146. vivors † of them: And upon Recovery, the General
 Court shall ascertain how much every particular Magis-
 trate then living, and the Heirs, Executors, and Adminis-
 trators of such as are dead, shall pay respectively; and
 accordingly, One or more Executions may be issued
 thereupon: And if any County Court thinks fit, they
 may, at the County Charge, cause a Ducking-Stool to
 be built, in such convenient Place as they shall direct.

II. For the Preservation of Prisoners Health, the
 County Court may mark out, by Metes and Bounds, such
 a Parcel of Land as they shall think fit, not exceeding
 Ten Acres, adjoining to the Prison, for the Rules there-
 of: And every Prisoner (not committed for Treason or
 Felony) giving good Security to keep within the said
 Rules, shall have Liberty to walk therein: And the
 Bounds of such Rules shall be recorded in the County
 Records, and the Marks thereof renewed, as Occasion
 requires.

III. All Acts &c. relating to any thing within the
 Purview of this Act, repealed.

Ann. 1711 IV. 10 *Ann. cap.* 3. A Lot in *Williamsburg*, and in
Cap. 3. the County of *York*, shall be set a-part for building there-
Pag. 279. on, a good substantial Brick Prison for Debtors, out of
 the Money raised by the Duty on Liquors and Slaves.

V. The Governor is desired to agree for building the
 same, and impowered to issue his Warrant to the Treasu-
 rer, for any Sum wanted to finish the same, not exceed-
 ing Two Hundred Pounds.

† *Pa.* 280. VI. The said Prison shall be called *The General † Court*
Prison for Debtors; of which Prison the greater Part of
 the Judges of the General Court, may appoint Rules.

VII. The Sheriff of *York* County shall be Keeper of
 the said Prison, and constantly attend the said Court, and
 take into his Custody, all Persons by the said Court com-
 mitted

mitted to him on mean Proceſs, or in Execution in any Civil Cauſe or Action, or for any Contempt of the ſaid Court; and them in the ſaid Priſon keep, until thence lawfully diſcharged; and may receive of ſuch Priſoners, ſuch Fees as are ſettled by Law. (See Sect. 14.)

Ann. 1711

Cap. 3.

Pag. 280.

VIII. The ſaid Sheriff of York, for keeping the ſaid Priſon, looking after the Priſoners, and attending the General Court, ſhall be ſatisfied and paid ſuch Allowances, Diſburſements, and Accounts, as the General Aſſembly ſhall think reaſonable.

IX. If any Priſoner committed to the ſaid Priſon, is not able to maintain him or herſelf in Priſon, there ſhall be allowed to the Keeper thereof Six Pence *per* Day for Subſiſtance of ſuch poor Priſoner, while he or ſhe remains in Cuſtody; to be levied and paid by the General Aſſembly.

X. *Provided*, No Fee or Security for a Fee, ſhall be paid or given by ſuch poor Priſoner to ſuch Sheriff, as Keeper of the ſaid Priſon, on any Pretence; nor ſhall ſuch Priſoner be kept in Cuſtody for not having paid his or her Fees.

XI. Any Perſon having Cauſe of Action againſt any Priſoner committed to the ſaid Priſon, after entering an Action and filing a Declaration thereto, with the Clerk of the General Court, and delivering a Copy of ſuch Declaration to ſuch Priſoner, in any Perſonal Action, at leaſt a Month before the Day of the General Court to which the ſaid Action is entred, and Affidavit made of ſuch Delivery, before one of the Judges of the ſaid Court; unleſs ſuch Priſoner cauſes a Plea to be entred to ſuch Declaration, with the ſaid Clerk of the General Court, at leaſt Three Days before the Day of the Court to which ſuch Action is entred, may obtain Judgment in ſuch Action againſt ſuch Priſoner.

XII. 8 Geo. 1. cap. 9. A Lot in *Williamsburg* near the Public Goal and Priſon for Debtors, ſhall be ſet a-part for building a Houſe for the Keeper of the ſaid Priſons; and a Brick Wall to incloſe a Yard on the *South* Side of the ſame: And ſuch Alterations ſhall be made in the ſaid Priſons, as the Perſons hereafter named, or the Survivor of them, ſhall think fit, to render them more commodious and ſecure: And a Sum not exceeding Three Hundred * Fif-
ty Nine Pounds, ſhall be appropriated for thoſe Purpoſes.

Ann. 1722

Cap. 9.

Pa. 330.

* Pa. 331.

XIII. *John Holloway*, *John Clayton*, and *Archibald Blair*, Gentlemen, and the Survivor of them, are impowered to employ Workmen and provide Materials neceſſary

Ann. 1722 for the same; and may apply to the Governor as often as
Cap. 9 they have Occasion for Money, who is desired to issue his
Pag. 331. Warrant to the Treasurer, to pay any Sums, not exceeding the Sum aforesaid.

XIV. The Two Rooms at the *East* End of the now Criminals Goal, shall be appropriated for receiving and keeping Debtors, to be committed by the General Court; and the Two Rooms at the *West* End of the said Criminals Goal, and the said General Court Prison for Debtors, for receiving and keeping Criminals committed to the Public Goal of this Colony: And the Keeper of the Public Goal, during the Time he continues so, is also hereby appointed Keeper of the Goal for Debtors, to be committed by the General Court.

XV. The Keeper of the said Public Prisons, is hereby exempted from all Musters of the Militia, and from serving on any Jury, during his Continuance in the said Office.

PROBATS and ADMINISTRATIONS.

Ann. 1711 § I. 10 *Ann.* **E** V E R Y County Court, within the re-
Cap. 2. *cap.* 2. spective Counties, shall have Jurisdiction
Pag. 270 tion to hear and determine all Causes, Matters, Suits, and Controversies testamentary, brought before them; and may examine and take the Proof of Wills, and grant Certificates to the Governor, or Commander in Chief, or his Deputy appointed for that Purpose, being a Member of such Court, of the Proof of such Wills, in order to obtain Probats or Administration, *cum Testamento annexo*, as the Cases is: And may hear and determine the Right of Administration of Intestates Estates, in Manner, and according to the Rules and Directions hereafter expressed: * The Will of any Person dying, shall be proved in the Court of that County, where the Devisor's Mansion house, or Place of Residence was; and if no such House, or Place of Residence and Lands be devised, then in the Court of that County, where such Lands lie: And if the Lands lie in several Counties, and the Devisor dies in one of those Counties, then in the Court of that County, where he or she died: And if such Devisor died in any other County, than where any of his or her Lands lie, then such Will shall be proved in the Court of some one of the Counties where such Lands lie, and not in any other: And the Proof of any Will once made in any County, as above directed, shall be of the same Force,

Force, for disposing of Lands, or other Estate, as if the *Inn. 1711*
 same had been proved in every particular County, where *Cap. 2.*
 any Land, or other Estate shall be: And if any Person *Page. 271.*
 having made a Will, shall die, and the Executor or Exe-
 cutors therein named, shall all of them, refuse the Exe-
 cutorship, the same County Court, wherein such Will
 ought to have been proved, shall have Power to hear and
 determine to whom the Right of Administration ought
 to belong; and to grant Certificate for obtaining Letters
 of Administration, *cum Testamento annexo.*

II. Where any Will in Writing, wherein Lands shall
 be devised, shall be exhibited in the proper County Court,
 and Motion made, that such Will may be proved, such
 Court shall appoint a Time for proving the same; and
 cause the next Heir at Law, to be summoned to appear
 and be present at the Time of such Proof, and to shew
 forth any Thing that may be lawfully alledged against
 such Proof: And if there be divers Heirs at Law in e-
 qual Degree to the Testator, every one of them shall be
 summoned, as aforesaid: And if no such Heirs be known
 either to the Court or Party desiring such Proof, who
 shall declare the same, upon Oath, by such Court to be
 administered, then Proclamation shall be made, by the
 Sheriff of the County at the Court-house, at Two Courts
 successively; and he shall also set up Notes at every
 Church and Chapel in his County, of such Will being
 exhibited, and desired to be proved, as aforesaid; and that
 such Proof will be proceeded to, and completed at the
 next Court, which shall be held for the said County, af-
 ter the Expiration of Forty Days, from the making the
 last Proclamation.

III. *Provided,* All Persons, who, at the Time of
 proving any Will at Common Law, as aforesaid, where
 they may be concerned in Interest, shall be under
 Age, Feme Covert, *Non Compos Mentis*, imprisoned, or
 out of the Country, may contest the said Proof at any
 Time, within Ten Years after their several Disabilities
 removed, and not after.

IV. The Right of Administration to any Intestate's
 Estate, shall be determined in the Court of that Coun-
 ty, † where such Intestate's Mansion-house, or Place of † *Page. 272.*
 Residence was; and Certificate granted for obtaining
 Letters of Administration thereon, in Manner aforesaid:
 And if such Intestate had no Mansion-house, or Place of
 Residence, then Certificate for obtaining Administration
 shall be granted by the Court of that County where such
 Intestate died, and no other. A a 2 V. 18

Ann. 1711
Cap. 2.
Pag. 272

V. If any Executor shall die Intestate, not having fully performed his Executorship; or any Administrator not having fully administered the Intestate's Goods; the Court that granted the Certificate for Probate or Administration, may hear and determine the Right of Administration, and grant Certificate for obtaining Administration of the Goods not administered to such Person, as by this Act shall have Right thereto.

VI. A Probate or Administration granted on a Certificate from any County Court, pursuant to this Act, shall enable the Executors or Administrators therein named, to sue for their Testator's or Intestate's Estates, any where, as fully as they might do in the County where such Certificate was granted.

VII. Where any Person shall die Intestate, or the Executors shall all refuse to execute the Will of the Deceased, the County Court, as aforesaid, shall grant Certificate for obtaining Administration on such Intestate's Estate, or Administration *cum Testamento annexo*, on such Testator's Estate: First, to the Husband or Wife of the Deceased; if none such, then to the Child or Children, or their legal Representatives; if none such, then to the Father and Mother; if none such, then to the Brothers and Sisters; if none such, then to the Uncles or Aunts; and if they fail, to any Others of more remote Degree.

VIII. If no Will be offered to be proved, or Certificate for Administration moved for, within Thirty Days from any Person's Decease, the proper County Court may grant Certificate for obtaining Administration to any Person they shall think fit.

IX. *Provided*, If any Will be afterwards exhibited, or any of the deceased Person's Kindred * not having before refused, shall pray Administration, Certificate for obtaining a Probate or Administration shall be granted such Person desiring the same, as if no other Administration had been granted.

X. *Provided also*, No Court shall be hereby disabled from summoning any Person having the Will of the deceased Person in Possession, to exhibit the same to the Court, in order to a legal Probation thereof: But any Person may be compelled, by Summons, or other lawful Process, to produce such Will.

XI. All Probats, Commissions of Administration, and Administrations *cum Testamento annexo*, issued upon Certificates granted according to this Act, signed by the Governor, or Commander in Chief, and sealed with the

Colony

Colony Seal; or signed by any Person, being one of the ^{Ann. 1711} Magistrates in Commission of the Peace, and authorized ^{Cap. 2} to grant Probats by Commission from the Governor, or ^{Pag. 273.} Commander in Chief, and sealed with the Seal of the Court where the same shall be granted, (which Seal the Court shall provide at the County Charge,) shall be good and effectual in Law, to enable the Executors and Administrators therein named, to possess themselves of their Testator's or Intestate's Estates, and to act and do all other Matters and Things by Virtue thereof, as any Executor or Administrator may lawfully do, by any Means whatsoever.

XII. Before a Probat or Administration shall be granted, the Executor or Administrator (as the Case is) shall take the following Oaths.

The Oath of an Executor.

YOU shall swear, That this Writing contains the true Last Will of the within named A. B. deceased, as far as you know or believe; and that you will well and truly perform the same, by paying first his Debts, and then the Legacies contained in the said Will, as far as his Goods, Chattels, and Credits, will thereunto extend, and the Law charge you; and that you will make a true and perfect Inventory of all the said Goods, Chattels, and Credits. So help you God.

The Oath of an Administrator.

*YOU shall swear, That A. B. deceased, died without any Will, as far as you know or believe; and that you will well and truly administer all and singular the Goods, Chattels, and Credits, of the said Deceased, and pay his Debts, as far as his Goods, Chattels, and Credits, will thereunto * extend, and the Law require you; and that you will make a true and perfect Inventory of all the said Goods, Chattels, and Credits, as also a just Account, when thereunto required.* So help you God. * Pa. 274.

XIII. Where the Court shall have Ground to suspect, from their own Knowledge, or the Suggestions of the Creditors or Legatees of any Person deceased, that the Executor will indirectly and fraudulently administer the Estate to the Prejudice of the Creditors or Legatees; and where Administration is to be obtained, as aforesaid, no Certificate for obtaining Probat or Administration shall be granted, until such Executor or Administrator shall have

Ann 1711 have given sufficient Security, to be approved by the
Cap. 2. Court, having Regard to the Value of the Estate, for the
Pag. 274. faithful Administration thereof; which Security shall be
 bound to the Justices of the Court, and their Successors,
 in a Bond, with one of the following Conditions.

*The Condition of the Bond to be given by Executors and
 Administrators, with the Will annexed.*

TH E Condition of this Obligation is such, That if
 the above bound *A. B.* Executor of the Last Will
 and Testament of *C. D.* deceased, [or Administrator,
 with the Will annexed, of all the Goods, Chattels, and
 Credits, of *C. D.* deceased,] do make, or cause to be
 made, a true and perfect Inventory of all and singular the
 Goods, Chattels, and Credits, of the said Deceased, which
 have or shall come to the Hands, Possession, or Know-
 ledge of him the said *A. B.* or into the Hands or Posses-
 sion of any other Person or Persons for him; and the same
 so made, do exhibit, or cause to be exhibited, into the
 County Court of *N.* at such Time as he shall be there-
 to required by the said Court; and the same Goods,
 Chattels, and Credits, and all other the Goods, Chattels,
 and Credits, of the said Deceased, at the Time of his
 Death, which at any Time after shall come to the Hands
 or Possession of the said *A. B.* or into the Hands or
 Possession of any other Person or Persons for him, do well
 and truly administer according to Law; and further do
 make a just and true Account of his Actings and Doings
 therein, when thereunto required by the said Court; and
 also do well and truly pay and deliver all the Legacies
 contained and specified in the said Testament, as far as
 the said Goods, Chattels, and Credits, will thereunto
 extend, according to the Value thereof, and the Law
 shall charge him: Then this Obligation to be void, and
 of none Effect; otherwise to remain in full Force and
 Virtue.

*The Condition of the Bond to be given by Adminis-
 trators.*

TH E Condition of this Obligation is such, That if
 the above bound *A. B.* Administrator of all the
 Goods, Chattels, and Credits, of *C. D.* deceased, do
 make, or cause to be made, a true and perfect Inventory
 of all and singular the Goods, Chattels, and Credits, of
 the said Deceased, which have or shall come to the Hands,
 Possession, or Knowledge of him the said *A. B.* or into
 the

the Hands or Possession of any other Person or Persons for him; and the same so made, do exhibit, or cause to be exhibited into the County * Court of N. at such Time as he shall be thereto required by the said Court; and the same Goods, Chattels and Credits, and all other the Goods, Chattels and Credits, of the said Deceased, at the Time of his Death, which at any Time after shall come to the Hands or Possession of the said *A. B.* or into the Hands or Possession of any other Person or Persons for him, do well and truly administer, according to Law; and further, do make a just and true Account of his Actings and Doings therein, when thereto required by the said Court: And all the rest and Residue of the said Goods, Chattels, and Credits, which shall be found remaining upon the said Administrator's Account, the same being first examined and allowed, by the Justices of the Court, for the Time being, shall deliver and pay unto such Person or Persons respectively, as the said Justices by their Order or Judgment shall direct, pursuant to the Laws in that Case made and provided. And if it shall hereafter appear, that any Last Will and Testament was made by the said Deceased, and the Executor or Executors therein named, do exhibit the same in the said Court, making Request to have it allowed and approved accordingly, if the said *A. B.* being thereunto required, do render and deliver up his Letters of Administration, Approbation of such Testament being first had and made in the said Court: Then this Obligation to be void, and of none Effect; otherwise to remain in full Force and Virtue.

Ann. 1711
Cap. 2.
Pag. 274.
**Pa. 275.*

XIV. The said Bonds may be sued in the Name of the Justices to whom payable, and their Successors, at the Costs of the Party injured, and shall not become void upon the first Recovery, but may be sued again by any other aggrieved; and so, *toties quoties*, until the Will be fulfilled, or Administration of the Estate completed, or until Judgment entered for the full Penalty of the Bond: And the same may be sued in the County Court, before which they were entred into.

XV. If any Executor shall make legal Proof of his Decedent's Will; and the Court, upon Suspicion or Suggestion, shall order such Executor to give Security, and he or she fails to comply therewith within Two Months after; the Court shall take such Failure for a Refusal of the Executorship, and Administration with the Will

Ann. 1711 Will annexed, shall be granted, in Manner aforesaid, to
Cap. 2. such next of Kin to the Deceased, as should have had
Pag. 276. Administration, in Case no such Will had been made.

XVI. Every Executor or Administrator shall at the next Court after Certificate for Probat or Administration granted, exhibit upon Oath a true and perfect Inventory of the Estate, as far as in them lies, or at such further Time as the Court shall allow, upon reasonable Cause to them shewn.

XVII. The Courts shall cause Appraisements of all Decedent's Estates to be made in Money, by at least Three good Men, upon Oath; and in the same Order, shall appoint the Appraisers, and nominate one or more of the Justices in their County, to administer the Oath to the Appraisers, for their true and just Valuation of the Estate, according to the best of their Judgment: Each of which Appraisers shall be paid Thirty Pounds of Tobacco for every Day he attends to make such Appraisement.

XVIII. If any Person dies Intestate, whilst his Crop is on the Ground unfinished, or being Testate, shall not have otherwise directed, the Servants and Slaves employed in the Crop, at the Time of such Person's Decease, shall be continued so employed until the Twenty Fifth Day of *December*, then next coming; and then the said Crop shall be Assets in the Executors or Administrators Hands, and be appraised accordingly: And the said Slaves shall then be delivered to such Person or Persons to whom the same belong, by 4 *Ann. cap. 23.* (See *Executors and Administrators. Sect. 7.*)

XIX. *Provided*, No Executor or Administrator shall be answerable for any such Servant or Slave happening to die before the said Twenty Fifth Day of *December*; altho' such Servant or Slave be inventoried.

* *Pa. 277.* XX. * *Provided*, Any Person leaving an Estate more than sufficient to pay his or her Debts, may settle the same by Will, as he or she thinks fit; and may direct, that the same shall not be appraised: And the making a true Inventory of such Person's Estate, shall be held a sufficient Compliance with this Act.

XXI. *Provided also*, If any Person dying, by Will, shall bequeath his or her Estate to his or her Children, and make them, or such of them, as are of Age, Executors of such Will; or bequeaths it to the Husband or Wife, or to his Wife and Children, and makes them, or either of them Executors; or in Case there be no Husband,

band, or Wife, or Children, shall make any Person Executor, and residuary Legatee; or direct, by his Will, that his Executor shall not be obliged to give Security: *Ann. 1711 Cap. 2. *Pa. 277.* In every such Case, no Security shall be demanded of such Executor, nor of any Person appointed by any Person Executor in Trust, during the Minority of his Children, where he shall, by his Will, have made his said Children Executor, and ordered his Estate to be preserved in Kind, and the Profits to redound to the Benefit of such Children, at their coming of Age.

XXII. *Provided likewise,* That nothing herein, shall be construed to abridge or restrain the Power of Executors over their Testator's Estates, before, or until Probate of the Will, or Commission of Administration, with the Will annexed.

XXIII. All Original Wills shall remain in the Clerk's Office among the County Records, except for the Time they shall be removed, by Direction of any Superior Court. And to every Probate granted upon Certificate from any Court, there shall be annexed a true Copy of the Will, on which such Probate is granted.

XXIV. *Provided,* Where any Decedent shall leave an Estate, Real or Personal, to the Value of Fifty Pounds, or upwards, in divers Counties; the General Court may take the Proof of Wills, and hear and determine the Right of Administration, and grant Certificates for obtaining a Probate or Administration, or Administration, with the Will annexed, as the Case is, And in all Cases, where Wills are exhibited to be proved in the General Court, the Court shall assign a certain Day of the next succeeding * Court, for proving the same; and shall direct * *Pa. 278* Summons to the Heir or Heirs at Law, in the same Manner as is directed for the County Courts: And where Proclamation is by this Act requisite for summoning any Heir, the General Court shall cause such Proclamation to be publicly affixed in their Court-house, and shall also cause Proclamation to be made in the County where the Testator died, in the same Manner as is directed, upon proving the Will in the County Court.

XXV. All Probats of Wills, and Commissions of Administration, granted upon Certificates obtained in the General Court, shall issue under the Seal of the Colony, and be signed by the Governor, or Commander in Chief, or President of the Council, or such Member of the said Court, as shall be commissioned for that Purpose, by the Governor, or President respectively. And the Forms

Ann. 1711 of all Oaths and Bonds required by this Act, shall be the
Cap. 2. same as is directed for the County Courts, *mutatis mu-*
Pag. 278. *randis.*

XXVI. *Provided*, Where the General Court shall grant Certificate for obtaining Administration of any Estate, and fail to take sufficient Security for the same; the Members of such Court, granting such Certificate, shall be liable to pay such Loss and Damage as shall accrue, by reason of such Failure, in the same Manner, as the Justices of the County Court in the like Case should have been. (*See Intestates Estates. Sect. 12.*)

XXVII. If a Debt contracted by any Person deceased, in Tobacco, Corn, Wheat, Beef, Pork, or other Commodity, be recovered by Suit against any Executor or Administrator; upon Motion of such Executor or Administrator, and Oath made, that there is not a sufficient Quantity of the Commodities so contracted for, belonging to the Decedent's Estate in his or her Hands, to satisfy the Debt so recovered in Specie; the Court shall value the Commodity contracted for, and give Judgment for the same, to be paid in Money (and not in Specie) out of the Estate of the Person deceased.

XXVIII. Every County Court Clerk shall, in *April*, and *October*, Yearly, return to the Secretary's Office, a List of all Certificates for obtaining Probats or Administrations in such County, containing the Names of the
 * *Pa. 279.* Testator's * or Intestate's, the Executors or Administrators, and the Names of the Securities: Which Lists the Secretary shall cause to be recorded Alphabetically in his Office, in Books kept for that Purpose.

XXIX. All Acts, &c. relating to any thing within the Purview of this Act, repealed.

P U B L I C C L A I M S.

Ann. 1705 § I. 4 *Ann.*, A Particular Court shall be held in every
Cap. 8. *cap. 8.* County, by the Justices thereof, at
Pag. 141. the Court-house, before every Session of Assembly, for Proof of all Debts to be paid by the Public, which shall be none other than what are so directed by some Act of Assembly: Which Court shall be called a Court for Proof of Public Claims. And for holding the same, the Sheriff shall appoint a convenient Day, upon which the Justices shall meet, and the Sheriff and County Court Clerk attend them.

II. The

II. The Sheriff, or County Court Clerk, failing to attend at such Court, shall be fined One Thousand Pounds of Tobacco: And every Justice failing to attend, without reasonable Cause, and a sufficient Number be not there to make a Court, shall be fined Five Hundred Pounds of Tobacco: One Half of the said Fines to the Queen, &c. for the Use of the County; the other to the Informer: To be recovered, by Action of Debt, Bill, Plaint, or Information, in any Court of Record; no Escoign, Protection, Wager of Law, or more than One Imparlance to be allowed. Ann. 1705
Cap. 8.
Pa. 141.

III. Every Person making any Public Claim shall produce to the said Court the Warrant or Certificate on which it is grounded, and exhibit a particular Account of the Services or Disbursements * claimed for; and make Oath, or other sufficient Proof, before the Court, that the Services, Things, or Disbursements for which such Claim is exhibited, are really, and *bona fide*, performed, and no Satisfaction received for the same. *Pa. 142.

IV. Such Proof being made, the Clerk shall, by the Burgesses of the County, transmit the said Claims to the Assembly, with the Warrants or Certificates, upon which they are grounded; and endorse on each Claim, that Proof is made before the Court, or annex a Certificate thereof: Which he shall do, *ex Officio*, where the allowed Claim is under One Hundred Pounds of Tobacco; and where it is that Sum, or above, shall be allowed Twenty Pounds of Tobacco by the Country.

V. *Provided*, The Claim be allowed, upon Examination, by the Assembly.

VI. No Public Claim shall be allowed by the Assembly, which is not proved, as aforesaid, and returned to the first or second Session of Assembly next after the same becomes due.

VII. No Sheriff shall have from the Country any Allowance for Public Services, other than what is given by Law; and such Services, as the Laws provide no Allowance for, shall be done *ex Officio*.

VIII. Every Court, for Proof of Public Claims, shall cause this Act to be duly read by their Clerk at the first Opening of every such Court.

IX. All Acts, &c. relating to any thing within the Purview of this Act, repealed.

Ann. 1736

Cap. 10.

Pas. 27.

App. 11.

P H Y S I C I A N S.

§ I. 10 Geo. 2. **A**FTER the passing this Act, no Practitioner in Physic, in any Suit to be commenced, shall recover, for visiting any sick Person, more than the Rates following, viz.

Surgeons and Apothecaries who have served an Apprenticeship to those Trades shall be allowed, For every Visit and Prescription in Town, or within Five Miles, Five Shillings; for every Mile above Five, and under Ten, One Shilling: For a Visit of Ten Miles, Ten Shillings; and for every Mile above Ten, Six Pence, with an Allowance of all Ferriages in their Journeys: To Surgeons, for a simple Fracture, and the Cure thereof, Forty Shillings; for a Compound Fracture, and the Cure thereof, Four Pounds.

II. But Persons who have studied Physic in any University, and taken any Degree therein, shall be allowed, For every Visit and Prescription in any Town, or within Five Miles, Ten Shillings; for every Mile above Five, and under Ten, One Shilling: For a Visit, if not above Ten Miles, Twenty Shillings; and for every Mile above Ten, One Shilling.

III. When any Pills, Eolus, Potion, Draught, Electuary, Decoction, or any Medicines in any Form whatsoever, shall be administered, the Person administering the same, shall, at the same Time, deliver in his Bill, expressing every particular Thing made up therein; or if the Medicine administered, be a Simple or Compound directed in the Dispensatories, the true Name thereof shall be expressed in the same Bill, with the Quantities and Prices, in both Cases; and in Failure thereof, such Practitioner, or any Apothecary making up the Prescription of another, shall be nonsuited in any Suit to be commenced, which shall be grounded upon such Bill or Bills; nor shall any Book or Account of any Practitioner in Physic, or Apothecary, be given in Evidence before a Court, unless the Articles therein contained be charged, according to the Directions of this Act.

IV. This Act to continue in Force Two Years from its passing, and thence to the End of the next Session of Assembly.

Q U A R E N-

QUARENTINE.

§ I. 8 Geo. 1.
cap. 2.

AL L Vessels coming from any Place infected with the Plague, shall make their Quarentine in such Place, for such Time, and in such Manner, as the Governor, or Commander in Chief, with Advice and Consent of the Council, shall direct: And 'till such Vessels are discharged of such Quarentine, no Person coming, or Goods imported in them, shall come on shore or go on board any other Vessel, or be landed or put in any Vessel in any * Place within this Colony; nor shall any Person go on board any such Vessel, without License first obtained in Writing, under the Hand of the Person appointed to see such Quarentine duly performed: And the Vessels, and the Persons and Goods imported in them, or going on board the same, during the Time of Quarentine; and all Vessels and Persons receiving any Goods, or Persons under Quarentine, shall be subject to such Orders, touching Quarentine, as shall be made by the Governor, or Commander in Chief, with Advice and Consent of the Council, and notified by Proclamation.

*Pa. 321

II. If any Master of a Vessel, so coming from any Place infected, quits or suffers any Seaman or Passenger therein to quit the same, by going on shore, or on board any other Vessel, during such Quarentine; or until such Vessel is discharged from Quarentine, without such License, as aforesaid, first obtained: In every such Case, such Vessel, with her Tackle, Apparel, and Furniture, shall be forfeited to his Majesty, and may be seized, sued for, and recovered, in the Court of Vice-Admiralty here, to the Use of His Majesty, his Heirs, and Successors: And further, if any Person arriving in any such Vessel, obliged to perform Quarentine, shall quit such Vessel, by coming on shore, or going on board any other Vessel, during such Quarentine, the Officer appointed to see such Quarentine duly performed, may compel, and in Case of Resistance, use Force and Violence to compel such Person to return on board such Vessel, and there to remain, during the Time of Quarentine: And after the Expiration thereof, such Person being convicted of leaving such Vessel, by the Oath of one or more credible Witnesses or Witnesses, before one or more Justice or Justices, living near the Place where the Offence was committed, shall forfeit

Ann. 1722 *Cap.* 2. *Pag.* 321. feit such Sum, not exceeding Twenty Pounds, as such Justice or Justices shall adjudge; to be forthwith paid into his or their Hands, who may reward the Informer out of the same, according to Discretion, not exceeding one Third Part, and shall pay the Remainder, after necessary Charges deducted, to the Use of the Poor of the Parish where such Conviction shall be had: And in Default of Paiment, such Justice or Justices may commit such Offender to the Goal of the County where such Conviction is had, for any Time, not exceeding One Month.

III. Any Person going on board any such Vessel required to do Quarentine, during the Time thereof, and returning from such Vessel without such License, as aforesaid, may be compelled by Force, by the Officers appointed, as aforesaid, to return on board such Vessel, and there to remain,* during the Time of her Quarentine; and the Master of such Vessel shall keep and maintain such Person on board accordingly.

IV. Any Officer of the Customs, or others, directed to take Care that such Quarentine is duly performed, may seize any Boat or Skiff belonging to such Vessel, or found therewith, and detain the same, until such Quarentine is performed: And if any such Officer, or other Person so intrusted, as aforesaid, shall voluntarily suffer any Seaman or Passenger to quit such Vessel while under Quarentine, every such Offender shall forfeit One Hundred Pounds; One Moiety to the King, &c. towards Support of this Government; the other to the Informer: To be recovered, with Costs, in any Court of Record.

V. The Persons appointed to see the said Quarentines performed, shall cause Watches to be kept both Day and Night, in the most convenient Places within the adjacent Parishes, with strict Orders not to permit any Person to come from, or go on board any Vessel under Quarentine, except such as have the Charge of seeing the Quarentine duly performed, or as shall be licensed, as aforesaid.

VI. After Quarentine performed by any Vessel, and the Persons therein, according to the Proclamation to be issued by the Governor, or Commander in Chief, with Advice and Consent of the Council, as aforesaid, and Proof made by the Oaths of the Master, and Two of the Persons belonging to such Vessel, before any Officer of the Customs of the Port or Place where such Quarentine is performed, or before the Person appointed to see such Quarentine performed; that such Vessel, and all and every
the

the Person and Persons therein, have duly performed the *Ann 1722*
 Quarentine, as aforesaid, and that the Vessel, and all the *Cap. 2.*
 Persons on board, are free from Infection; such Officer of *Pag. 322.*
 the Customs, or Person appointed, as aforesaid, shall give a
 Certificate thereof; and thereupon such Vessel, and all the
 Persons thereunto belonging, shall be liable to no further
 Restraint during that Voyage, by reason of any thing con-
 tained in this Act.

VII. *Provided nevertheless,* That the Goods imported
 in such Vessels, shall, after such Quarentine performed,
 be opened and aired in such Place, and for such Time,
 as shall be directed by such Proclamation, as aforesaid.

Q U I T - R E N T S.

§ I. 13 *Car. 2.* *cap. 52.* **T**HE Sheriff, upon the Instance of His Majesty's Treasurer, or his Deputy here, shall be compelled to receive all such Quit-Rents, as the said Treasurer, or his Deputy, shall give him order to receive in his County; and the said Quit-Rents shall be paid as the Levies, in the direct Specie of * Tobacco or Money; and no particular Fees or Debts shall be preferred before them; under the like Penalty, as for the Payment of other Debts, before the Levies. *Ann 1661 Cap. 52. Pag. 11. *Pa. 12.*

Note, That is, Ten Thousand Pounds of Tobacco, to the Use of the Public, by 13 *Car. 2. cap. 51.* intituled, *Public Levies to be first paid;* which Act is since repealed.

R E A D E R S.

§ I. 13 *Car. 2. cap. 5.* **T**H A T every Parish not having a Minister to officiate every *Sunday,* do make choice of a grave and to-ber Person, of good Life and Conversation, to read Divine Service every intervening *Sunday,* at the Parish Church, when the Minister preacheth at any other Place. *Ann. 1661 Cap. 5. Pag. 3.*

R E L I G I O N.

§ I. 4 *Ann. cap. 30.* **I**F any Person, brought up in the Christian Religion, shall, by writing, printing, teaching, or advised speaking, deny the Being of a God, or the Holy Trinity; or assert or maintain there are more Gods than One; or deny the Christian Religion to be true, or the Holy Scriptures of the *Old and New Testaments* *Ann. 1705 Cap. 30. Pag. 178.*

Ann. 1705 ment to be of Divine Authority, and be thereof lawfully convicted, upon Indictment or Information in the General Court; such Person, for the first Offence, shall be disabled to hold any Office or Employment, Ecclesiastical, Civil, or Military, or any Profit or Advantage, therefrom; and every such Office or Employment held by such Person, at the Time of his or her Conviction, is hereby declared void: And every such Person, upon a second Conviction of any the Crimes aforesaid, in manner aforesaid, shall, from thenceforth, be disabled to sue in any Court of Law or Equity; or to be Guardian to any Child, or Executor or Administrator of any Person; or capable of any Gift or Legacy; or to bear any Office, Civil, or Military, for ever, within this Colony; and shall also suffer, from * the Time of such Conviction, Three Years Imprisonment, without Bail or Mainprize.

*Pa. 179.

II. *Provided*, No Person shall be prosecuted by Virtue of this Act, for any Words spoken, unless Information upon Oath be given in of the Words, before one or more Justice or Justices, within One Month after such Words spoken; and the Prosecution of such Offence be within Twelve Months after such Information.

III. *Provided also*, If any Person convicted the first Time, of all, or any the Crimes aforesaid, shall, within Six Months after such Conviction, make a Public Acknowledgement and Renunciation of such Offence, or erroneous Opinions, in the same Court where such Conviction was; then such Person shall be thence discharged from all Penalties and Disabilities incurred by such Conviction.

IV. If any Person shall profanely swear, curse, or be drunk, and be thereof convicted, by the Oath of one or more Witnesses, or by Confession before one or more Justice or Justices of the County; or if such Offence be committed in the Presence and Hearing of one or more Justice or Justices, or in any Court of Record; such Person shall forfeit and pay Five Shillings or Fifty Pounds of Tobacco for every such Offence: And upon Refusal of Payment, or to give sufficient Caution for Payment thereof, at the next Parish Levy, the same shall be levied upon such Person's Goods, by Warrant from any Justice of the County where the Conviction was, to be directed to the Sheriff of the County, or Constable in his respective Precinct; to be appraised and valued, as in other Distresses: And the Offender not being able to pay such Forfeiture, shall receive Ten Lashes on the bare Back, well laid on, for every such Offence.

V. *Provided*,

V *Provided*, Prosecution for any of the said Offences, *Ann. 1705*
be made within Two Months after the Offence committed, *Cap. 30.*
and not after. *Pag. 179.*

VI. If any Person of full Age, shall absent from Divine Service at his or her Parish Church or Chapel, the Space of One Month, (except such Protestant Dissenters as are excepted by the * Act of Parliament made in the * *Pa. 1806*
First Year of King *William* and Queen *Mary*;) and shall not, when there, in a decent and orderly Manner, continue 'till the Service ended: And if any Person shall, on the Lord's Day, be present at any disorderly Meeting, Gaming, or Tippling, or travel upon the Road, except to and from Church, (Cases of Necessity and Charity excepted,) or be found working in their Corn, Tobacco, or other Labour of their ordinary Calling, other than is necessary for the Sustenance of Man or Beast: Every such Person being lawfully convicted of any such Default or Offence, by Confession, or otherwise, before one or more Justice or Justices of the County, within Two Months after such Default or Offence made or committed, shall forfeit and pay, Five Shillings or Fifty Pounds of Tobacco, for every such Default or Offence; and on Refusal to make present Payment, or give sufficient Caution for Payment thereof, at the laying the next Parish Levy, shall, by Order of such Justice or Justices, receive, on the bare Back, Ten Lashes, well laid on.

VII. Every Person, not being a Servant or Slave, being lawfully convicted of committing Adultery or Fornication, by the Oaths of two or more credible Witnesses, or Confession of the Party, shall, for every Offence of Adultery, forfeit and pay One Thousand Pounds of Tobacco and Cask; and for every Offence of Fornication, Five Hundred Pounds of Tobacco and Cask: To be recovered by the Churchwarden or Churchwardens of the Parish where such Offence is committed, by Bill, Plaint, or Information, in any Court of Record; no Ffioin, Protection, or Wager of Law to be allowed. And on Refusal to make present Payment, or to give sufficient Security for Payment thereof, at the laying the next Parish Levy, shall receive Twenty Five Lashes on the bare Back, well laid on, at the Public Whipping-Post.

VIII. All the Fines and Forfeitures in this Act mentioned, shall be paid to the Churchwardens of the Parish where the Offence is committed; who shall account for the same to the Vestry, for the Use of the Poor of the Parish: Which Vestry shall, Annually, on *Easter*

Ann. 1705 *Tuesday*, if fair, if not, the next fair Day, at the Parish
Cap. 30. Church, distribute the same, at their Discretion, among
Pa. 180. the Poor.

IX. This Act shall be publicly read in every Parish Church and Chapel, by the Minister, Clerk, or Reader, immediately after Divine Service, on the first or second *Sundays* in *April*, and *September*, Yearly, under the Penalty of Twenty Shillings for every Omission; and the Churchwardens shall provide a Copy thereof, at the Parish Charge.

+*Pag.* 181 X. † *Provided*, Nothing in this Act, shall be construed to exempt any Clergyman, guilty of any of the Crimes herein mentioned, from such further Punishment as might have been inflicted on him for the same, before making this Act.

XI. All Acts, &c. relating to any thing within the Purview of this Act, repealed.

Ann. 1730 XII. 3 & 4 *Geo.* 2. *cap.* 2. The Churchwarden or
Cap. 2. Churchwardens of every Parish shall present all Persons
Pag. 419. guilty of any of the Offences or Crimes mentioned in the Act 4 *Annæ*, *cap.* 30, committed within the respective Times by that limited, for Prosecution thereof, and not otherwise, to the Court of the County where the same is committed, at the next Court after the same comes to his or their Knowledge: And thereupon, such Court shall cause such Persons to appear and answer such Presentments, and shall proceed to Trial, and give Judgment thereon, as if such Presentments had been made by a Grand Jury.

XIII. *Provided*, Nothing herein, shall be construed to take away the Power of any Grand Jury, to make Presentment of any Offences in the said Act mentioned, in the same Manner, as they might have done, before making of this Act.

**Pa.* 420. XIV. * *Provided*, All Offences of Blasphemy and Irreligion in the said Act enumerated, to be punished, by Incapacity to hold any Office or Employment, or any other Incapacity, or by Imprisonment, shall be tried and determined only in the General Court: And when Presentment of any such Offence shall be made by any Churchwarden or Grand Jury to any County Court; such Court shall cause such Offender to enter into Recognisance, with one or more sufficient Sureties, for his or her Personal Appearance at the next General Court, to answer the said Presentment; and shall cause the Record of such Recognisance and Presentment, with the Names of

of the Persons on whose Information the same was made, *Ann. 1730*
to be returned in due Time to the Secretary's Office, that *Cap. 2.*
Prosecution may be had thereon, according to the true *Pag. 420.*
Intent and Meaning of the aforesaid Act.

XV. If any Person shall marry within the Levitical Degrees prohibited by the Laws of *England*; that is to say, If a Man shall marry his

- | | |
|------------------------------|----------------------------|
| 1. Mother, | 9. Son's Daughter, |
| 2. Father's Wife, | 10. Daughter's Daughter, |
| 3. Father's Wife's Daughter, | 11. Son's Wife, |
| 4. Father's Sister, | 12. Wife's Daughter, |
| 5. Mother's Sister, | 13. Wife's Son's Daughter, |
| 6. Uncle's Wife, | 14. Wife's Daughter's |
| 7. Sister, | Daughter, |
| 8. Brother's Wife, | 15. Wife's Sister. |

Every Person so unlawfully married, shall be separated by the definitive Sentence or Judgment of the General Court; and the Children begotten under such Marriage, shall be accounted illegitimate: And the Attorney-General, upon Information of any such Marriage, shall exhibit a Bill to the Judges of the General Court against any Persons so unlawfully married, who shall be compelled, upon Oath, to answer the same: And upon such Bill and Answer, and Depositions of Witnesses, if necessary, such Court may give Judgment, and declare the Nullity of such Marriage; and moreover, may punish the Parties by Fine at Discretion; and if they see fit, may cause the Parties to be separated, to give Bond, with sufficient Surety, that they will not thereafter cohabit, under such Penalty as they shall judge reasonable.

XVI. If any Person shall, without marrying, Carnally know, or have Copulation with any Person within the Degrees aforesaid; every Person being convicted of such Offence in any Court of Record, shall be fined at the Discretion of such Court: And on Refusal to pay such Fine immediately, or to give Surety for Payment thereof, at laying the next Parish Levy, shall, by Order of the said Court, be publicly whip'd on the bare Back, not exceeding Thirty Nine Lashes: And such Court may commit such Persons so convicted to Goal, 'til he or she gives Bond, with sufficient Surety, for their future Separation.

XVII. The Fines imposed by this Act, shall be to the Use of the Poor of the Parish wherein the Offence is committed.

Ann. 1730

Cap. 9.

Pag. 448.

R E N T S.

§ I. 3 & 4 *Geo. 2.* *cap. 9.* **A**FTER the Tenth Day of December, 1730, where any Goods or Chattels shall be distrained for Rent, and the Tenant or Owner of the Goods so distrained, shall not, within Five Days next after such Distress taken, and Notice thereof, with the Cause of such Taking, left at the chief Mansion-house, or other most notorious Place on the Premises, charged with the Rent distrained for, replevy the same, with sufficient Security to be given † to the Sheriff, according to Law: After such Distress, and Notice, as aforesaid, and Expiration of the said Five Days, the Person distraining, with the Sheriff or Under-Sheriff of the County, or Constable of the Parish or Place where such Distress is taken, (who are required to be aiding and assisting therein,) may sell the Goods so distrained, for the best Price that can be got for the same, towards Satisfaction of the Rent, and Charges of Distress and Sale, leaving the Overplus, if any, in the Hands of the said Sheriff, Under-Sheriff, or Constable, for the Owner's Use.

§ Pa. 449

Note, By this Law, the Goods were to be appraised; but that Part being repealed, by 8 *Geo. 2. cap. 11*, is here omitted. See *Executions. Sect. 40, 41, 42.*

II. Upon any Pound Breach or Rescous of Goods distrained for Rent, the Person grieved, in a special Action upon the Case, shall recover treble Damages and Costs of Suit, against the Persons making such Breach or Rescous, or against the Owner of the Goods distrained, if they be found to have come to his Use or Possession.

III. *Provided,* If such Distress and Sale be made by Virtue of this Act, where in Truth no Rent is arrear or due, the Owner of the Goods so distrain'd and sold, his Executors or Administrators, by Action of Trespass, or upon the Case, shall recover against the Person so distraining, his Executors or Administrators, double the Value of the Goods or Chattels so distrained and sold, together with full Costs of Suit.

IV. No Goods or Chattels, upon any Messuage, Lands, or Tenements, leased for Life, Years, at Will, or otherwise, shall be taken by any Execution, or on any Pretext; unless the Party, at whose Suit such Execution issued, shall, before Removal of such Goods off the Premises,

misses, by Virtue of such Execution or Extent, pay to ^{422.1730} the Lessor of the Premises, or other Person empowered ^{Cap. 9} to receive it, what shall be due for Rent of the said Pre- ^{Pag. 449.}misses, at the Time of taking such Goods, by Virtue of such Execution.

V. † *Provided*, The said Arrears of Rent do not ex- † ^{Pa. 450.}ceed One Year's Rent; and where it shall exceed, the Party paying One Year's Rent, may proceed to execute his Judgment, as he might have done, before making this Act: And the Sheriff, or other Officer, shall levy and pay to the Plaintiff, as well the Money or Tobacco so paid for Rent, as the Execution Money.

VI. If any Lessee of Messuages, Lands, or Tenements, upon the Demise whereof any Rent is reserved, shall fraudulently or clandestinely carry off such demised Premises, his Goods or Chattels, to prevent the Lessor from distraining the same for such Rent; such Lessor, or any Person by him for that Purpote lawfully empowered, within Five Days next ensuing such carrying off, may take and seise such Goods and Chattels, where ever found, as a Distress for the Arrears of such Rent, and dispose thereof, in such Manner, as if they had actually been distrained by such Lessor, upon the demised Premises.

VII. *Provided*, No such Distress shall be made of any such Goods so carried off, and sold, *bona fide*, and for a valuable Consideration, before Seizure made.

VIII. Any Person having Rent due upon any Lease for Life or Lives, may bring an Action of Debt for such Arrears, in the same Manner, as if such Rent was due upon a Lease for Years.

IX. Any Person having any Rent due upon any Lease for Life or Lives, or for Years, or at Will, ended or determined, may distrain for such Arrears, after the Determination of the said respective Leases, in the same * Man- * ^{Pa. 451.}ner, as if such Lease or Leases had not been determined.

X. *Provided*, Such Distress be made within Six Kalendar Months after the Determination of such Lease, and during the Continuance of such Landlord's Title or Interest, and during the Possession of the Tenant from whom such Arrears became due.

XI. *Provided*, Nothing in this Act, shall be construed to extend to hinder His Majesty, his Heirs and Successors, from levying, recovering, and seising any Debts, Fines, Penalties, and Forfeitures, due to him and them, in the same Manner, as if this Act had never been made.

XII.

Ann. 1736 XII. 10 *Geo.* 2. *cap.* 5. From henceforth, where any
Cap. 5. Execution shall be served, or Distress made for Money or
Pa. 10. Tobacco, if the Debtor or Tenant shall, within Five
App. II. Days, tender sufficient Sureties, to be approved by the
 Creditor or Landlord to be bound with him, for Payment
 of the same, with Costs and lawful Interest for the same,
 at the End of Three Months; the Sheriff or Officer shall
 restore to the Party, the Goods or Estate so taken or dis-
 trained: And whereas such Security is offered, and the
 Goods or Things cannot be sold at Three Fourths of the
 Value, at least, in the Opinion of the Sheriff or Officer,
 † *Pa.* II. they may be set up and sold † for Money or Tobacco, (if
 the Judgment or Rent be payable in Tobacco,) to be
 paid at the End of Three Months, taking Bond of the
 Buyer or Buyers, with one or more sufficient Sureties,
 to pay the same accordingly, with Interest, to such Credi-
 tor or Landlord.

XIII. Every Bond taken in Pursuance of this Act, shall
 mention, that it was entered into for Goods taken in Ex-
 ecution, or distressed and sold to such Obligor; and
 shall, within Ten Days after taking thereof, be returned,
 by the Sheriff or Officer taking the same, to the Office
 of the Clerk of the County where the Execution was
 served, or Distress made, there to be safely kept: Which
 Bonds so lodged, shall have the Force of Judgments.
 And if the Money or Tobacco shall not be paid, accord-
 ing to the Condition of any such Bond, the Justices of
 the said County Court, upon Motion of the Party to
 whom the same is payable, may award Execution there-
 upon, with Costs; *Provided*, such Obligors have Ten
 Days Notice of such Motion: And upon such Executi-
 on, the Sheriff, or other Officer, shall not take any Su-
 reties for Payment of the Money or Tobacco, at a further
 Day, but shall levy the same immediately; and the Clerk
 shall endorse upon the Back of every such Execution,
 that no Security is to be taken.

XIV. This Act shall not extend to any Execution up-
 on any Judgment obtained against a Sheriff, or other
 Collector of Levies, or Officers Fees, for any Debt
 due to any Public or County Creditor; or for any Se-
 cretary's, County Court Clerks, Surveyors, or other Offi-
 cers Fees, put into the Hands of such Sheriff or Collec-
 tor to receive; but such Executions shall be served and
 proceeded upon, as if this Act had never been made.

XV. No Execution shall be levied, or Distress made
 for Tobacco, between the last of *August*, and last of
December, Yearly.

XVI. Where

XVI. Where any Execution shall hereafter be sued, the Plaintiff shall allow the Defendant the same Deduction as to the Tobacco Costs, as he is allowed upon the Payment of the Secretary's and Clerk's Fees; and so where the Defendant recovers, he shall make the same Allowance.

Ann. 1736
Cap. 5.
Pag. 11.
App. II.

XVII. Where any Landlord shall have sufficient Grounds to suspect, that his Tenant will remove with his Effects out of the County, before the Expiration of his Term, so as no Distress for the said Rent can be made; such Landlord may go before any Justice of the County where the Lands leased lie, and make Oath what Rent the Tenant is to pay, and at what Time the same will be due, and that he has reason to suspect and verily believes, such Tenant will remove his or her Effects before the Time of Payment; and thereupon such Justice shall issue an Attachment against the Goods and Chattles of such Tenant, returnable to the next County Court: And if the Tenant shall not, at the Time of serving the same, give Bond with one or * more sufficient Sureties, or at the said next Court, enter into Recognizance, with like Sureties, for the Payment of the said Rent, at the Time it shall become due, the said Court shall order the attached Goods to be sold by the Sheriff, for Money or Tobacco, according to the Reservation of the said Rent, to be paid at the Time the said Rent shall become due; the Purchasers giving good Security for the said Payment, and to assign the Bonds taken for the same, to such Landlord; and the Overplus of the said Goods, if any be, after deducting the Costs and Charges of the said Attachment and Sale, to return to the said Tenant.

*Pag. 12.

XVIII. The Act of 8 Geo. 2. cap. 11. and One Clause of the Act of 3 and 4 Geo. 2. cap. 9. For appraising Goods distrained for Rent, are hereby repealed.

R E V E N U E.

§ I. 32 Car. 2. cap. 3. **F**OR every Hoghead of Tobacco exported, the Exporter shall pay Two Shillings, Current Money of *England*, and so for every Five Hundred Pounds of Tobacco exported in Bulk, or otherwise, and so proportionably; the same to be to the King, his Heirs, and Successors, for and towards Maintenance of the Governor, and other Officers, and for the Fort and Fortifications, and other contingent Expences, necessary for Support of this Government. (See Sect. 7.)

Ann. 1680
Cap. 3.
Pag. 80.

II. Every

Ann. 1680. **II.** Every Vessel coming into this Colony, shall pay
Cap. 3 for every Tonn such Vessel contains, Half a Pound of
Reg. 80. Gun-Powder, and Three Pounds of Leaden Shot, or One
 Shilling and Three Pence *Sterling*, in Lieu thereof; al-
 so Six Pence *per* Poll for every Person imported, not
 being actually a Mariner in Pay, to the King, &c. for
 the Uses aforesaid.

III. The Master of every Vessel shall deliver his
 Boatwain's Book to the Perusal of the Collector, and
 make Oath to the Truth thereof, to the best of his Know-
 ledge; and the Mate, Boatwain, or any other Officer, Sea-
 man, or Person, may be also sworn, if there be Cause, for
 Discovery of the Freight: And if any Master shall, witi-
 ngly or wilfully, conceal any Part of his Freight,
 or make false Entry of the Burthen of his Vessel, or Num-
 ber of Persons imported; such Master shall forfeit, for
 every such Offence, One Hundred Pounds *Sterling*, and
 treble Duties for every Hoghead, or Five Hundred
 Pounds of Tobacco, and for every Tonn concealed: One
 Moiety to the King &c. for the Uses aforesaid; the o-
 ther to the Informer: To be recovered by Action of Debt,
 Bill, Plaint, or Information; no Effoin, Protection, or
 Wager of Law to be allowed.

Pa.* 51. *IV.** The Master of every Vessel shall enter into a
 Bond of Twenty Pounds *Sterling*, to the King, for Pai-
 ment of the Duty of so many Hogheads, or Five Hun-
 dred Pounds of Tobacco, as shall, upon due Certificate,
 appear to be entered in the Custom house in *England*,
 more than shall be entered and paid to the Collectors
 and Officers here, unless the said Collectors and Officers
 be fully satisfied of the true Number of Hogheads; such
 Bond to be made without Fee, and to be void, if not
 put in Suit upon Certificate, to be procured by the respec-
 tive Collectors, from the Custom-house in *England*, with-
 in One Year, from the making thereof; which Collec-
 tors and Officers shall diligently put this Act in Execution,
 and be allowed their usual Salaries, or such other, as the
 Governor, or Commander in Chief, with Advice of the
 Council, shall judge necessary, for collecting the said
 Imposition: And the Governor, or Commander in Chief,
 with Advice of the Council, may give such reasonable
 Allowance, as they shall judge fitting, not exceeding
 Ten *per Cent.* to such Masters or other Persons, as shall
 give in true Accounts, and pay down the above Duties in
 Money or good Bills of Exchange, to the Satisfaction of
 the respective Collectors.

V. Provided,

V. *Provided*, The Act, intituled, *Imposition of Two Shillings per Hogshead*, made at James City, March 23, 1661; the Act, intituled, *An Act for the Imposition of Two Shillings per Hogshead*, made there, December 2, 1662; the Act, intituled, *Castle Duties to be paid*, made, March 23, 1661; and all former Acts, for levying Two Shillings per Hogshead on Tobacco exported, Castle Duties, Tunnage, or Head-Money, be repealed. Ann. 1680
Cap. 2.
Pag. 81.

VI. *Provided also*, That the Privilege of Virginia Owners, by the Act, intituled, *Privilege of Virginia Owners*, made, March 23, 1661, [which see, Virginia Owners. Sect. 1.] and by the Act, intituled, *An Act for freeing Virginia Owners from Castle Duties*, made, October 20, 1669, [which see, Virginia Owners. Sect. 2.] shall be in full Force, notwithstanding this Act, or any other Law, Statute, Custom, Usage, or Instructions whatsoever.

Note. This Act was brought over by the Lord Culbether, under the Great Seal of England, and passed the Assembly, with the Addition of the Two Provisoes at the End, and therefore could not be repealed by the Act, Anno 1703, and 1710.

VII. 9 *Ann. cap. 5*. For every Hogshead, Box, Chest, Case, or Barrel of Tobacco exported by Water, the Shipper shall pay Two Shillings *Sterling*; and so, for every Five Hundred Pounds of Tobacco shipped in Bulk for Exportation, * and so proportionably. *See Sect. 1.* Ann. 1710
Cap. 5.
Pag. 242.
* Pa. 243.

VIII. The said Duty shall be paid for all Tobacco shipped in this Colony for Exportation, tho' not made here.

IX. Every Vessel entred here to lade or unlade, shall pay, for Port Duties, One Shilling and Three Pence *Sterling*, for every Tun such Vessel is of Burthen. [See Sect. 2.] The same to be but once paid in One Voyage.

X. Such Vessel shall be measured by the Length of the Gun-Deck, deducting Three Fifths of the greatest Breadth, from Outside to Outside, and multiplying the Product, by the Breadth, from Out to Out, and that Product again, by Half the said Breadth; and that Product divided by Ninety Four, will give the true Contents of the Tunnage; according to which, the said Port Duties shall be paid.

XI. Every Vessel entred here to unlade, shall pay Six Pence *per Poll* for every Passenger, Servant, Slave, or other Person imported, except the Mariners in a *Qual Pay*. *See Sect. 2.*

Ann. 1710
Cap. 5.
P. 244.

XII. Every Master of a Vessel making a short Entry of the Number of Persons imported, shall forfeit Ten Pounds Current Money; to be divided and recovered in any Court of Record, as in Sect. 3, [*which see.*]

XIII. The Duties aforesaid, shall be paid to the several Collectors and Officers appointed to receive the same, for the Uses and Purposes mentioned in Sect. 1.

XIV. For collecting and receiving them, the Governor, or Commander in Chief, with Advice of the Council, may appoint as many Officers as shall be found necessary, and allow them such Salary, not exceeding Ten *per Cent.* as shall be thought reasonable.

XV. The Governor, or Commander in Chief, with Advice of the Council, may give and allow to every Master of a Vessel, or other Person, giving in a true Account, and paying down the whole Duties of a Ship, in one entire Sum, in Money, or Bills of Exchange, to the Satisfaction of the Collector, such reasonable Abatement, not exceeding Ten *per Cent.* as shall be adjudged fitting.

XVI. *Provided*, Every Vessel wholly belonging to the Inhabitants of this Colony, shall be allowed the said Duties of Two Shillings, and One Shilling Three Pence, accruing due upon her lading Tobacco, and for Port Duties, to the Use of her Owners; and every Collector * of those Duties, shall allow the same accordingly, to the Master of every such Vessel, upon his Clearing.

XVII. No Vessel shall be taken to belong wholly to the Inhabitants of this Colony, until Proof thereof made, by the Oath of One of her Owners, before the Governor, or Commander in Chief, and his Testimonial thereupon had, under the Colony Seal; or until such Proof made before the General Court, and a Certificate thereupon had, from the Clerk of the said Court, under the Seal of his Office: And no Collector of the said Duties shall allow any Vessel the said Privilege, unless the Master of the said Vessel, at the Time he demands the same, produces Testimonial or Certificate, as aforesaid, and makes Oath, that he doth not know that any Part of the said Vessel belongs to any Person whatsoever, not being an Inhabitant of *Virginia*.

XVIII. All Acts, &c. relating to any thing within the Purview of this Act, repealed. See Sect. 6.

RIVERS and CREEKS.

Ann. 1722
Cap. 7.
Pag. 328.

§ I. 8 Geo. 1. **W**HERE any River or Creek shall divide Two Counties, and the Courte of the same shall be stopped; the Court of each of the said Counties shall agree with such Persons as they shall think fit, to clear the same, and may levy Tobacco sufficient to pay the Workmen, in Proportion to the Number of Tithables in each of the said Counties.

II. No Hedge that shall obstruct the Passage of any such River or Creek shall be placed therein, under Penalty of Two Hundred Pounds of Tobacco: And if, after Conviction, the Person placing the same, shall suffer it to continue without pulling up, he shall forfeit One Hundred Pounds of Tobacco for every Week the same shall so continue, to the Informer: To be recovered, with Costs, before any Justice of either of the said Counties. See Sect. 4.

III. Where any River or Creek shall be in One County only, the Court of that County shall agree with Workmen, and levy Tobacco to pay them, as aforesaid: And every Person setting a Hedge in such River or Creek, and suffering the same to continue therein, shall be liable to the like Forfeitures, as in Sect. 2. To be recovered in the same Manner, and to the same Use.

IV. 12 Geo. 1. cap. 7. Every Person setting a Hedge in any River or Creek, that shall in any-wise obstruct the Course or Passage of the same, shall forfeit Five Hundred Pounds of Tobacco for every such Offence, over and above the Penalties already inflicted by Law: And if, after Conviction, the Person so offending, shall suffer such Hedge to continue without pulling up, he shall, for every Week the same continues, forfeit Five Hundred Pounds of Tobacco, over and above the Penalties already inflicted by Law: Which Penalties shall be to the Informer; and may be recovered, with Costs, in any Court of Record, by Bill, Complaint, or Information; no Effoin, Protection, or Wager of Law to be allowed. See Sect. 2.

V. Every Person felling a Tree into any River or Creek, and failing to cut and carry away the same within Forty Eight Hours, shall forfeit Fifteen Shillings Current Money, for every Tree so felled, and not cut and carried away: To be recovered before any Justice of the County, to the Use of the Informer.

Ann. 1726 VI. *Provided*, Nothing herein shall be construed to
Cap. 7 restrain any Person having Land on both Sides of a
Page 373 Creek, to the Head thereof, and no public Landing
 thereon, to set Hedges cross the same, and to use and oc-
 cupy the same, as he or she might have done, before ma-
 king this Act.

ROLLING-HOUSES.

Ann. 1712 § I. 11 *Anne*, ALL Houses now built and used as
Cap. 5. public Rolling-Houses, not above
Page 284 One Mile distant from a public Landing, shall be kept
 up by the respective Proprietors; and in Case of Failure,
 the County Courts respectively may grant the same to
 any other Person willing to build a Rolling-House there-
 on, in the Manner hereafter directed: And all Landings
 now used as public Landings for shipping Tobacco, or
 unloading Merchandise, are hereby continued and confirm-
 ed: And where public Rolling-Houses are already built,
 above a Mile from a public Landing, the County Courts
 may order new Rolling-Houses to be built on the same
 Rolling Roads, not distant from a public Landing above
 Half a Mile.

II. Where public Rolling-Houses and Landings are
 not already set out and built, the County Court, upon
 Application of the Inhabitants, may summon the Owner
 of any Land fit for that Purpose; or if the Owner be
 under Age, or out of the Country, the Guardian, or
 known Attorney, as the Case is, to appear and shew
 Cause why a public Rolling-House should not be built
 on the said Land, or public Landing appointed: And if,
 upon Examination, they find the Rolling-House petition-
 ed for, to be convenient and necessary, may order such
 an House to be built thereon by the Owner, Guardian,
 * *Pa.* 285. or Attorney, to as such House * be not distant from a
 convenient Landing above Half a Mile; and may ap-
 point such Places, convenient for Vessels to come to, to
 land or take on board Tobacco, or other Goods, to be
 public Landings.

III. If any Owner of any House now used for a public
 Rolling-House, or the Owner of any Land appointed by
 any County Court, for a Place whereon to build a public
 Rolling-House, his or her Guardian, or Attorney, shall
 refuse to let such House be used for the Purpose afore-
 said, or to build a convenient Rolling-House on the Place
 appointed, within One Year after such Appointment;

in such Case, upon the Petition of some Freeholder or Freeholders of the County, such County Court shall appoint Three or more good and lawful Men of their County, upon their Oaths, to value the said House so appointed, and Half an Acre of Land adjoining, or to value Half an Acre of the Lands so appointed, to build a Rolling-House on: Which Value of the House and Half Acre, or of the Half Acre appointed to build on, being praised or lawfully tendered to the Owner, and Return of the said Order and Appraisement to the County Court made, the Freeholder or Freeholders petitioning as aforesaid, are hereby declared to be vested in the House, and Half Acre of Land, or in the Half Acre appointed to build on, to them and their Heirs, for ever, on Condition to keep and maintain thereon, such a convenient Rolling-House, as the County Court shall, from Time to Time, direct; otherwise the said Half Acre of Land to revert to the former Proprietor, his Heirs and Assigns, or to such other Person, as will build and maintain a sufficient Rolling-House thereon.

IV. *Provided*, The House so to be appointed by such County Court, be not a Dwelling-House, or any Out-House or Building, contiguous and belonging to a Dwelling-house; and that the Half Acre of Land, so to be appointed, to build a Rolling-House on, be not, at the Time of such Appointment, the Garden, Orchard, or Court-Yard, belonging to any Dwelling-House,

V. *Provided also*, That the Proprietor of such Half Acre, appointed for building a Rolling-House on, having no Land adjacent, shall keep no Hogs, or other Stock thereon, except constantly kept within a sufficient Fence; on Penalty of paying Five Shillings Current Money, for every Horse, Mare, neat Cattle, Sheep, Goat, Hog, Shoat, or Pig, found at large upon any of the adjacent Lands: To be paid to the Owner of such Lands; and recovered before any Justice of the County where the Trespass is committed.

VI. There shall be paid to the Owner of such Rolling-House, by the Owner of such Tobacco, or other Goods, * which shall be lodged there, the Prices following, before the Goods are taken out :

l. s. d.

For every Cask of Sixty Gallons, and upwards, or Bale, or Parcel, of the like or greater Bulk, for the first Day, or first Three Months,

0 1 0

For

Anno 1712

| | <i>l.</i> | <i>s.</i> | <i>d.</i> |
|--|-----------|-----------|---------------|
| Cap. 5. For every Month after, | 0 | 0 | 6 |
| Pag. 286. For every Cask, Bale, or Parcel, of less Contents, | 0 | 0 | 6 |
| Forevery Month after the first Three Months, | 0 | 0 | 3 |
| For every Bushel of Grain, not packed in Cask, | 0 | 0 | $\frac{3}{4}$ |
| For every Month after the first Three Months, | 0 | 0 | $\frac{3}{4}$ |

VII. Every Owner or Keeper of such public Rolling-House, refusing to take and keep therein, any Tobacco, Goods, or Merchandises, rolled or brought thereto, shall be liable to make good all Damages sustained, by reason of such Tobacco, Goods, or Merchandises not being received and kept in such Rolling-House: And every such Rolling-House Keeper, shall be liable to an Action at Common Law, for any Tobacco, Goods, or Merchandises lost out of such Rolling-House, or damaged therein, while under his Custody or Care.

VIII. *Provided*, Any Person may appeal to the General Court, from the Judgment or Order of any County Court, given or made in Pursuance of this Act.

Ann. 1720 IX. 7 Geo. 1. cap. 7. Where any County Court finds
Cap. 7. any Rolling-Houses in their County, at inconvenient Dis-
Pa. 314. tance, such Court may put down such Houses, and order new ones to be built, convenient to the Landings; in which Case, the said Court shall be invested with all the Powers and Authorities of coming at the Land, and setting up the said Rolling-Houses, granted in like Cases, by 11 Ann. cap. 5. (See Sect. 3, 4.)

X. After any Rolling-House is put down by any County Court, no Tobacco shall be accounted convenient, which shall be afterwards lodged therein, nor any Fee demandable for Storage therein.

XI. Each Owner or Keeper of a Rolling-House, or Store-House, shall keep at, or near the same, some capable Person, to take in such Tobacco, Goods, and Merchandises, as shall be brought there; and to preserve the same, or be liable to make good the Damages happening there to, as in Sect. 7. on Failure in any of the Premises.

XII. The Price of Storage for Salt, and other such like unpacked Commodities, shall be the same as for Grain, by Sect. 6.

S A I L O R S

§ I. 9 Ann. *cap. 3.* **E** V E R Y Seaman runing away, or unlawfully absenting from the Vessel he belongs to, may * be taken up by * *Pa. 240.* any Person, and by Warrant from a Justice of the County where he is taken up, conveyed from Constable to Constable, 'till he be put on board the Vessel he belongs to; and the Constable delivering such Seaman on board, shall take a Receipt for him, from the Master, Mate, or other Officer, which he shall immediately carry and deliver to the Naval Officer, of the District where such Vessel rides, before she is cleared; for which the said Naval Officer shall pay such Constable, if Ten Miles, or under, Five Shillings; and if above Ten Miles, Ten Shillings; to be reimbursed by the Commander of the said Vessel.

II. Every Justice, before whom such runaway Seaman shall be brought, shall give the Taker up a Certificate under his Hand, according to this Act, to intitile him to the Reward hereafter-mentioned.

III. The Reward for taking up a runaway Seaman shall be Twenty Shillings, if Ten Miles, or upwards, from the Vessel the Seaman belongs to; and if under Ten Miles, Ten Shillings; to be paid to the Taker up, upon Certificate, as aforesaid, by the Naval Officer of the District where the Vessel rides; and to be reimbursed to him, by the Master before he is cleared, or permitted to sail from that District.

IV. The Justice's Certificate to be given to the Taker up, shall express what Vessel the Seaman belongs to, the Place he was taken up at, and whether it be Ten Miles from the Vessel, or under, or above; and that the Taker up make Oath before him, to the Place of taking up.

V. If any runaway Seaman, taken up by Virtue of this Act, belongs to any Vessel gone out of the Country, before he is taken up, or can be got on board; such Seaman shall be put on board any Man of War that shall be there, if the Captain will receive him, and pay the Reward for taking up; or otherwise shall be delivered to the Master of any Merchant Ship, that will receive him, and pay the said Reward.

VI. Where any runaway Seaman, belonging to any Man of War, or Merchant Ship, gone out of the Country,

Ann. 1710 try, shall be put on board any Man of War; the Cap-
Cap. 3. tain shall reimburse the Naval Officer the Charge of tak-
Pag. 240. ing up, and may stop it out of the Wages due, or to
 become due to such Seaman.

VII. The Naval Officers may use out of the Revenue
 of Two Shillings *per* Hoghead in their Hands, so much
 Money as shall be necessary to pay off the Certificates
 **P.* 241 produced to them, for taking up runaway Seamen, * at a-
 foretold, till they can be reimbursed.

VIII. Every Constable, or other Officer, to whom a
 runaway Seaman shall be delivered, according to this
 Act, and wittingly, willingly, or negligently, suffering
 such Seaman to escape, or failing to deliver the Receipt,
 aforesaid, to the Naval Officer of the District, in due
 Time, as before directed, shall forfeit to the Queen, &c.
 Five Hundred Pounds of Tobacco, with Costs of Suit:
 To be recovered, by Action of Debt, Bill, Plaint, or In-
 formation, in any Court of Record.

IX. Every Ordinary-keeper, or other Person, enter-
 taining, harbouring, or concealing any Seaman, not be-
 ing able to give a good Account that he is about his law-
 ful Business, shall forfeit Five Hundred Pounds of Tobacco,
 to the Informer: To be recovered, in any Court of Re-
 cord, by Action of Debt, Bill, Plaint, or Information;
 no Effoin, Protection, or Wager of Law to be allowed:
 Or on Default of Payment, or to give Security for the
 Payment thereof, at the succeeding Crop, shall receive
 Twenty Lashes on the bare Back, well laid on.

X. This Act to continue Two Years, and thence to
 the End of the next Session of Assembly. (*See Sect. 11.*)

Ann. 1713 XI. 12 *Ann. cap.* 7. The Act of 9 *Ann. cap.* 3. con-
Chap. 7. tinued and made perpetual. (*See Sect. 10.*)

Pag. 294. XII. 8 *Geo.* 1. *cap.* 6. Every Seaman belonging to a-
Ann. 1722 ny Vessel, trading within this Colony, who shall, with-
Cap. 6. out the License of his Commander, go on shore, and
Pag. 325 absent himself from his Duty, shall, for every such Of-
 fence, forfeit Five Shillings Current Money: To be reco-
 vered, before any Justice of this Colony, by the Master
 or any of the Crew of the Vessel, to which such Seaman
 belongs: And in Default of Payment, or to give Security
 for Payment thereof, out of his Wages when due, he
 shall then receive Ten Lashes on his bare Back, well
 laid on.

XIII. Every Seaman sent in any Sloop, Boat, or o-
 ther Vessel, for Delivery of Goods from on board, or
 fetching Tobacco, or other Merchandise, for lading any
 Ship,

Ship, who shall disobey the lawful Commands of his Captain, or other Officer appointed by him, for taking Charge of such Sloop, Boat, or Vessel, shall, upon Complaint, and Proof thereof made before any Justice, receive Twenty Lashes on his bare Back, well laid on. *Ann. 1722 Cap. 6. Pag. 325*

XIV. If any Person hired to serve on board any Vessel, shall obstinately refuse to obey the just *and lawful Commands of his Captain, Master, or other superior Officer, or shall lift his Hand against, or threaten any bodily Hurt to any of them, or willfully neglect his Duty on board, not being sick or disabled to perform the same; any Two Justices (*Quorum unus*) near the Place where such Vessel rides, upon Complaint, may order the Party offending, to come before them, with such Witnesses as either Party desires, at some convenient Place near where the Vessel rides; and may summarily hear and determine such Complaint; and upon Proof of such Offence, may impose such Fine upon the Offender, to be paid to the Party injured, as to them shall seem just, not exceeding Three Months Pay; and if the Nature of the Offence requires it, may order such corporal Punishment on the Offender as they shall think fit: And if any Person convicted of any the Offences aforesaid, shall not make present Paiment, or give sufficient Security for Paiment thereof out of his Wages when due, and also for his future good Behaviour, and due Performance of the Voyage, he shall receive on his bare Back Thirty Nine Lashes well laid on, and be remanded to his Service on Board. **Pa. 316*

XV. No Master of a Vessel, within this Colony, shall hire, receive, or entertain any Seaman belonging to any other Vessel trading here, without a Discharge under the Hand and Seal of his former Commander; under the Penalty of Ten Pounds Current Money: To be recovered, with Costs, by any Person who will sue for the same, in any Court of Record.

XVI. No Seaman, not being employed by his Commander, shall travel through this Colony without Certificate under the Hand and Seal of the Master of the Vessel to which he last belonged, That such Seaman hath by him been discharged. And every Seaman found Traveling without such Certificate; may be taken up, and conveyed to the Vessel to which he belonged; or if that is gone out of the Country, be put on Board any Man of War, as is directed, *Seet. 1, 5, 6.* And every Person taking up and conveying such Seaman on Board, shall be entitled to the Rewards in *Seet. 1, and 3,* and be liable to

Ann. 1722 the same Penalties in case of Escapes, as in *Seçt.* 8. And
Cip. 6. every Person entertaining any such Seaman without such
Pag. 326. Certificate, shall be liable to the same Forfeiture as in
Seçt. 9. To be recovered in the same Manner.

**Pa.* 327. * XVII. Every Master of a Vessel trading here, shall find, allow, and provide good and sufficient Diet and Accommodation, for all Persons under his Command on board such Vessel, according to the Usage in the Merchants Service; and shall provide like good and sufficient Provision of wholesome Victuals, to all Persons employed by him in Sloops, Boats, or other Vessels sent from his Vessel, for delivery or bringing on Board of Goods, proportionable to the Distance of Place, and Length of Time such Persons may reasonably be absent; or, upon Complaint, any Justice next the Place where such Vessel rides, shall call before him such Master; and upon Examination of the said Complaint, may order such Satisfaction to be made to the Party injured, as to him shall seem just; and if Need be, may award Execution against the Body or Goods of such Master.

XVIII. Every Master of a Vessel discharging any Seaman out of his Service, shall give him a Certificate of his Discharge, in the Manner mentioned in *Seçt.* 16, under the Penalty of Five Pounds Current Money: To be recovered by such Seaman against such Master, before any Justice in this Colony.

XIX. Every Master of a Vessel trading here, who shall immoderately beat, wound, or maim any Seaman belonging to his Vessel, shall, upon Complaint made to any Justice, by Warrant under such Justice's Hand, directed to the Sheriff or Constable, be brought before such Justice, and give sufficient Security for his good Behaviour: And moreover, shall be liable to the Suit of the Party grieved, for all Damages sustained, by such Beating, Wounding, or Maiming.

XX. *Provided*, Nothing herein shall be construed to restrain the Power, Authority, and Jurisdiction of the Lord High-Admiral of *Great-Britain*, the Vice-Admiral of this Dominion, or Judge of the Vice-Admiralty, in any Matter properly belonging to the Cognizance of the Admiralty Court.

S E R V A N T S.

S E R V A N T S.

§ I. 4 *Ann.* **A**LL Servants, being Christians, and of *cap. 49.* Christian Parentage, above Nineteen Years of Age, brought into this Country without Indenture, shall serve but Five Years; and if under Nineteen, 'til they become Twenty Four Years of Age.

II. *Provided*, Every such Servant be carried to the County Court, within Six Months after Arrival here, to have his or her Age adjudged by the Court, or otherwise to serve only Five Years; and the Age of such Servant, adjudged by the Court within the Limitation aforesaid, shall be recorded, and accounted the true Age of the said Servant, in relation to the Time of Service.

III. When any Servant, sold for the Custom, shall pretend to have Indentures, the Owner may bring such Servant before a Justice, and if he or she still pretends to have an Indenture, but cannot then produce it, such Justice shall assign Two Months Time for doing thereof; in which Time, if the said Servant shall not produce such Indenture, * he or she shall be barr'd from making Use ** Pa. 219.* of, or taking any Advantage by one afterwards.

IV. All Servants imported here, who were not Christians in their native Country (except *Turks* and *Moors* in Amity with Her Majesty, and others that can make due Proof of their being free in *England*, or any other Christian Country, before they were shipped for Transportation here) shall be Slaves, and as such bought and sold here.

V. Every Person importing, and selling here, as a Slave, any Person that was free in any Christian Country, Island or Plantation, shall forfeit to the Party from whom such free Person shall recover his Freedom, double the Sum for which such free Man was sold: To be recovered in any Court of Record here, according to the Course of the Common Law, wherein the Defendant shall not be admitted to plead in Bar any Act or Statute of Limitations.

VI. *Provided*, A Slave's being in *England*, shall not discharge him of Slavery, without Proof of his Manumission there.

VII. All Owners of Servants shall provide for them wholesome and competent Diet, Clothing and Lodging, by the Discretion of the County Court; and shall not give immoderate Correction to, or whip a Christian white

Ann. 1705 *Servant* naked, without an Order from a Justice of the
Cap. 49 *Peace*: And any Person so whipping any such *Servant*,
Reg. 219. without such Order, shall forfeit forty Shillings *Sterling*,
 to the Party injured: To be recovered with Costs, upon
 Petition in a summary Manner, as herein is provided
 for *Servant's* Complaints to be heard: *Provided*, Com-
 plaint be made within Six Months after such Whipping.

VIII. All *Servants*, (not being *Slaves*) whether im-
 ported, or become *Servants* of their own accord here,
 or bound by any Court or Churchwardens, shall have
 their Complaints received before a Justice, who, if he
 finds Cause, shall bind the Master over to answer the
 Complaint at Court, where it shall be determined: And
 all *Servants* Complaints shall be received at any Time,
 upon Petition, in the Court of the County where they re-
 side; which Court (having first summoned the Owners
 to justify themselves, if they think fit,) may order and
 appoint what shall be necessary, as to Diet, Lodging,
 Clothing, and Correction: And if any Owner shall
 not comply with such Court's Order, the said Court, up-
 on a second just Complaint, may order such *Servant* to
 be immediately sold at an Outcry, by the Sheriff; and
Cap. 220. * after Charges deducted, the Remainder of what the
 said *Servant* is sold for, shall be paid to the Owner.

IX. *Provided*, If such *Servant* be so sick, or lame, or
 otherwise disabled, that he or she cannot be sold for
 such Value, at least as will satisfy the Fees, and other
 incident Charges accrued, the Court shall order the Church-
 wardens of the Parish, to take Care of and provide for the
 said *Servant*, 'til his or her Time of Service expired,
 or 'til such *Servant* shall be so recovered, as to be sold
 for defraying the said Fees and Charges: And the said
 Court shall, from Time to Time, order the Charges
 of keeping the said *Servant*; to be levied on the Goods
 and Chattels of the Owner of such *Servant*, by Distress.

X. All *Servants* by Importation, Indenture, or Hire
 here, as well *Feme Coverts* as others, shall, in like
 Manner as is provided, upon Complaints of Misusage,
 have their Petitions received in Court, for their Wages
 and Freedom, without the formal Process of an Action;
 and Proceedings and Judgment shall, in like Manner,
 be had thereupon.

XI. No *Negroes*, *Mulattos*, or *Indians*, (altho' *Chris-
 tians*) or *Zees*, *Moors*, *Mahometans*, or other *Infidels*,
 shall purchase any *Christian* *Servant*, nor any other, ex-
 cept of their own Complexion, or such as are declared
Slaves

Slaves by this Act; but every Christian white Servant Ann. 1705
 to purchased by any of them, or such as are declared Cap. 49.
 Slaves by this Act, shall, *ipso facto*, become free: And Pa. 220.
 if any Person having such Christian Servant shall inter-
 marry with any such, such Servant shall, *ipso facto*, in
 like Manner become free.

XII. No Owner of any Servant shall, during such Ser-
 vant's Servitude, make any Bargain with him or her, for
 further Service, or other Matter relating to Liberty or
 personal Profit, but in the Presence, and with the Ap-
 probation of the County Court where such Owner re-
 sides: And if any Servant brings in Goods or Money, or
 lawfully acquires any during his or her Servitude; such
 Servant shall have the sole Property, Use, and Benefit
 thereof. And no Owner shall put away any Servant
 falling sick or lame during his or her Servitude; but
 shall maintain such Servant during the whole Time he
 or she was obliged to serve by Indenture, Custom, or
 Order of Court: Or if such Owner shall put away any
 such Servant, upon Pretence of Freedom, and such Ser-
 vant shall become chargeable to the Parish; such Owner
 shall forfeit Ten Pounds Current Money to the Church-
 wardens of the Parish, for the Use of the * said Parish: *Pa. 221.
 To be recovered by Action of Debt, in any Court of Re-
 cord; no Effoin, Protection, or Wager of Law to be
 allowed.

XIII. The Owner of every imported Servant, not ha-
 ving yearly Wages, at the Time of his or her Service end-
 ed, shall pay to every such Male Servant, Ten Bushels
 of Indian Corn, Thirty Shillings in Money, or the Value
 thereof in Goods, and one well fixed Musket or Fuzee,
 of Twenty Shilling Value, at least; and to every such
 Woman Servant, Fifteen Bushels of Indian Corn, and
 Forty Shillings in Money, or the Value thereof in Goods:
 Which, upon Refusal, shall be ordered, with Costs, up-
 on Petition to the County Court, in Manner before di-
 rected, for Servants Complaints to be heard.

XIV. All Servants shall obey their Owners just and
 lawful Commands: And if any Servant shall resist or
 offer Violence to his or her Master, Mistress, or Overseer;
 such Servant, for every such Offence, shall serve his or
 Owner One whole Year, after his or Time by Indenture,
 Custom, or former Order of Court, expired.

XV. No Person shall buy, sell, or receive of, to or
 from any Servant or Slave, any Coin or Commodity
 whatsoever, without the License or Consent of his or
 her

Ann. 1705 her Owner, under Penalty of being imprisoned One
Cap. 49. Calendar Month, without Bail or Mainprize, and there
Pag. 221. to continue, until such Person shall find good Security, in
 the Sum of Ten Pounds Current Money, for the Good-
 behaviour for One Year following; wherein a second Of-
 fence shall be a Breach of the Bond; and such Person
 shall moreover forfeit Four Times the Value of the Things
 so bought, sold, or received, to the Owner of such Ser-
 vant or Slave: To be recovered, with Costs, by Action
 upon the Case, in any Court of Record; no Effoin, Pro-
 tection, Wager of Law, or more than One Imparlance to
 be allowed.

XVI. *Provided*, If such Person so convicted for deal-
 ing with a Servant or Slave, shall not immediately give
 sufficient Security for his or her Good-behaviour, as a-
 foresaid, the Court shall order such Offender Thirty Nine
 Lashes on the bare Back, well laid on, at the common
 Whipping Post of the County, and then to be discharged
 of giving such Bond and Security.

XVII. In all Cases of Penal Laws, where free Persons
 are punishable by Fine, Servants shall be punished by
 Whipping, after the Rate of Twenty Lashes for every
 Five Hundred Pounds of Tobacco, or Fifty Shillings Cur-
 rent Money; unless such Servant procures some Person to
 pay the Fine: In which Case, he or she shall be adjudg-
 ed to serve such Benefactor, after his or her Service to his
 or her present Owner * expired, after the Rate of One
 Month and a Half for every Hundred Pounds of Tobacco.
 * *Pa.* 222.

XVIII. If any Woman Servant is delivered of a Bas-
 tard Child, during her Servitude, she shall serve her Own-
 er, for the Costs and Trouble thereby occasioned, One
 Year, after her Servitude expired, or pay her said Owner
 One Thousand Pounds of Tobacco; and the reputed Fa-
 ther, if free, shall give Security to the Churchwar-
 dens of the Parish, to maintain the Child, and keep the
 Parish indemnified; or be compelled thereto, by Order
 of the County Court, upon the said Churchwarden's Com-
 plaint: But if a Servant, he shall make Satisfaction to
 the Parish, for keeping the said Child, after his Time to
 his then present Owner expired; or be compelled thereto
 by Order of the County Court, upon Complaint of the
 Churchwardens, for the Time being. And if any Wo-
 man Servant shall be got with Child by her Master, such
 Master, his Executors, Administrators, and Assigns, shall
 be barred from any Claim of Service against her, by rea-
 son of such Child; but she shall, when her Time to her
 said

said Master is expired, be sold by the Churchwardens of the Parish where the Child was born, for One Year, or pay One Thousand Pounds of Tobacco; the same, or what she shall be sold for, to be employed by the Vestry to the Use of the said Parish. And if any Woman Servant shall have a Bastard Child by a Negro or Mulatto, over and above the Year's Service due to her Owner, she shall, upon the Expiration of her Time to her then present Master or Owner, pay down to the Churchwardens of the Parish where such Child was born, for the Use of the said Parish, Fifteen Pounds Current Money, or be by them sold for Five Years, to the Use aforesaid. And if a free Christian white Woman shall have such Bastard Child by a Negro or Mulatto, she shall, within One Month after her Delivery, pay to the Churchwardens of the Parish, Fifteen Pounds, or be sold for Five Years, for the Use of the said Parish, as aforesaid: And in both Cases, such Bastard Children shall be bound by the Churchwardens to serve 'til Thirty One Years of Age.

XIX. Every free white Man or Woman marrying any Negro or Mulatto, shall, by Judgment of the County Court, be imprisoned Six Months, without Bail or Mainprize, and forfeit Ten Pounds Current Money, to the Use of the Parish.

XX. Every Minister, or other Person, marrying any white Man or Woman to any Negro or * Mullatto, shall forfeit, for every such Marriage, Ten Thousand Pounds of Tobacco: One Moiety to the Queen, &c. towards Support of this Government; the other to the Informer: To be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record; no Eſſoin, Protection, or Wager of Law to be allowed.

XXI. Every Servant, when his or her Time of Service is expired, shall repair to the Court of the County where such Servant served the last of his or her Time, and there, upon sufficient Testimony, have his or her Freedom entred; and a Certificate thereof from the Clerk of the said Court, shall be sufficient to authorize any Person to entertain such Servant. And if such Certificate is worn out, or lost, the Clerk shall grant a new One, and therein recite the Accident that happened to the old One. And whoever shall hire such Servant, shall keep such Certificate 'til the contracted Time expired. And if any Person entertains any Servant, by Importation, or by Contract or Indenture made here, not having such Certificate, such

Ann. 1705
Cip. 49.
Pag. 222.

** Pa. 223.*

Ann. 1705 *Cap.* 49 *Pa.* 223. such Person shall pay to the Owner of such Servant Sixty Pounds of Tobacco for every natural Day he or she shall entertain such Runaway: To be recovered, with Costs, by Action of Debt, in any Court of Record; no Effoin, Protection, or Wager of Law to be allowed. And if any Runaway shall use a forged Certificate, or after the same shall be delivered to any Master or Mistress upon being hired, shall steal the same away; the Person entertaining such Servant upon such forged or stolen Certificate, shall not be culpable by this Law; but the said Runaway, besides Reparation for the Loss of Time, Charges in Recovery, and other Penalties by this Law directed, shall, for using such forged or stolen Certificate, or for such Theft aforesaid, stand Two Hours in the Pillory upon a Court Day: And the Person forging such Certificate, shall forfeit Ten Pounds Current Money; One Half to the Queen, &c. towards Support of this Government; the other to such Servant's Owner, or if he or she will not sue, to the Informer: To be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record; no Effoin, Protection, or Wager of Law allowed. And if any Person or Persons convict of forging such Certificate, shall not immediately pay the said Ten Pounds, or give Security to do the same within Six Months, he or she shall receive on the bare Back, Thirty Nine Lashes, well on, at the County Whipping-Post, and thence be discharged of paying the said Ten Pounds, and Costs.

XXII. If any Person hires a Runaway upon a forged Certificate, and the Servant denies delivering such Certificate, the *Onus Probandi* shall lie upon the Person * hiring, who, upon Failure, shall be liable to the Penalties in Sect. 21.

XXIII. For Encouragement to take up Runaways, there shall be allowed by the Public, for taking up any Servant or Slave, Ten Miles or above from the House or Quarter where he or she was kept, Two Hundred Pounds of Tobacco; and if above Five Miles and under Ten, One Hundred Pounds of Tobacco: To be paid in the County where the Taker-up resides, and levied by the Public upon the Owner of such Runaway. And every Justice, before whom any Runaway shall be brought, on the taking up, shall, in his Certificate, mention the Proper Name and Sir-name of the Taker-up, the County of his or her Residence, the Time and Place of taking up, the Name of the Runaway, the Proper Name and Sir-name

name of his or her Owner, the County of his or her Residence, with the Distance of Miles, in the said Justice's Judgment, from the Place of taking up, to the Houe or Quarter where such Runaway was kept. Anno 1705
Cap. 49.
Pag. 224.

XXIV. *Provided*, When any Runaway cannot or will not declare the Name of his or her Owner, the said Justice may certify the same, and by his Warrant, order the said Runaway to be conveyed to the Public Goal of this Country, to continue there 'til the Owner shall be known; who, on paying the Prison Fees, or giving Caution for the same, together with the Reward for taking up, shall have the said Runaway restored. *Altered by Sect. 42.*

XXV. And further, the said Justice shall commit such Runaway, by his Warrant to the next Constable, and therein order him to give the said Runaway to many Lashes, not exceeding Thirty Nine, as such Justice shall think fit; and then to be conveyed from Constable to Constable, until such Runaway is carried home, or to the Country Goal; every Constable, through whose Hands he or she shall pass, giving a Receipt at the Delivery: And every Constable failing to execute such Warrant, according to the Tenor thereof, or to give such Receipt, shall forfeit Two Hundred Pounds of Tobacco to the Churchwardens of the Parish where such Failure shall be, for the Use of the Poor of the said Parish: To be recovered, with Costs, by Action of Debt, in any Court of Record; no Effoin, Protection, or Wager of Law to be allowed. And such corporal Punishment shall not deprive the Owner of such Runaway of the other Satisfaction by this Act to be made upon such Servants running away.

† XXVI. *Provided*, When any Runaway shall have crossed *Chesapeak Bay*, and be brought before a Justice, such Justice shall commit him or her to the Sheriff, who shall cause such Runaway to be transported again cross the Bay, and delivered to a Constable there; and for his Trouble and Charge, shall, for every such Runaway, be paid Five Hundred Pounds of Tobacco by the Public; to be reimbursed by the Owner of such Runaway, as aforesaid, in Manner aforesaid. † Pag. 225

XXVII. *Provided also*, When any such Runaway shall get into any County distant from the Bay, such Runaway shall be committed to a Constable, to be conveyed from Constable to Constable, to be brought to the Sheriff of some County adjoining to the said Bay; who shall receive such Runaway, under the Rules aforesaid, and cause him or her to be conveyed, as aforesaid, and have the Reward, as aforesaid.

Ann. 1775 XXVIII. If any Sheriff, Under-Sheriff, or other Officer, belonging to the Sheriff, shall suffer any Runaway
Cap. 49. so committed for Passage over the Bay, to work; such
Pag. 225 Sheriff shall forfeit to the Owner of such Servant or Slave so put to work, One Thousand Pounds of Tobacco: To be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record; no Effoin, Protection, or Wager of Law allowed.

XXIX. If any Constable or Sheriff, into whose Hands a runaway Servant or Slave shall be committed, by Virtue of this Act, shall suffer such Runaway to escape; such Constable or Sheriff shall be liable to the Action of the Party grieved, for Recovery of his Damages at the common Law, with Costs.

XXX. Every runaway Servant, for taking up whom either of the Rewards aforesaid shall be paid, shall, for every Hundred Pounds of Tobacco so paid by the Owner, serve such Owner, after his or her Time, by Indenture, Custom, or Order of Court expired, one Calendar Month and an Half; and shall also serve double the Time such Servant shall be absent in such running away, and also make Reparation by Service to such Owner, for all necessary Disbursements and Charges in Pursuit and Recovery of such Runaway; to be adjudged and allowed in the County Court, after the Rate of One Year for Eight Hundred Pounds of Tobacco, and proportionably for a greater or lesser Quantity.

XXXI. *Provided*, The Owner carry such Runaway to the next Court held for the said County, after his or her * Recovery, otherwise it shall be in the Breast of the Court to consider the Occasion of Delay, and to hear or refuse the Claim, at Discretion, without Appeal, for the Refusal.

XXXII. No Master, Mistress, or Overseer of a Family, shall knowingly permit any Slave, not belonging to him or her, to remain on his or her Plantation, above Four Hours at any one Time, without the Leave of such Slave's Master, Mistress, or Overseer; on Penalty of One Hundred and Fifty Pounds of Tobacco, to the Informer; cognisable by any Justice of the County.

XXXIII. *Provided*, If any runaway Servant, adjudged to serve for the Charges of his or her Pursuit and Recovery, shall, at the Time he or she is so adjudged, repay, or give good Security before the Court, for Repayment thereof to his or her Owner, within Six Months after, such Owner shall be obliged to accept thereof, in Lieu of the Service allowed therefore.

XXXIV.

XXXIV. If any Slave resists his or her Owner, or other Person, by such Owner's Order, correcting such Slave, and shall happen to be killed in such Correction, it shall not be accounted Felony; but the Owner and every such other Person, shall be acquit of all Punishment and Accusation for the same. And if any Negro, Mulatto, or Indian, bond or free, shall lift his or her Hand, in Opposition against any Christian, not being Negro, Mulatto, or Indian; such Offender, for every such Offence, proved by the Oath of the Party, shall receive, on the bare Back, Thirty Lashes well laid on; cognisable by a Justice of the County. Ann. 1705
Cap. 49.
Pag. 226.

XXXV. No Slave shall go armed with Gun, Sword, Club, Staff, or other Weapon, nor go off the Plantation and Seat of Land where he or she is appointed to live, without a Certificate of Leave, in Writing, from his or her Master, Mistress, or Overseer: Or any Person may apprehend and deliver such Slave to the next Constable or Headborough, who, without further Order or Warrant, shall give such Slave Twenty Lashes on the bare Back, well laid on, and so send him or her home: And all Horses, Cattle, and Hogs, belonging to any Slave, or of any Slave's Mark, shall be seized and sold by the Churchwardens of the Parish where such Horses, &c. shall be, for the Use of the Poor of the said Parish: And if any Damage shall be committed by any Slave living at a Quarter where there is no Christian Overseer, the Owner of such Slave shall be liable to Action for the Trespass and Damage, as if it was done by him or herself.

XXXVI. Baptism of Slaves shall not exempt them from Bondage; and all Children shall be Bond or Free, according to the Condition of their Mothers, and the particular Directions of this Act.

XXXVII. * Where any Slaves run away and lie out, * Pag. 227.
hid, and lurking in Swamps, Woods, and other obscure Places, killing Hogs, or committing other Injuries; in all such Cases, upon Intelligence given thereof, any Two Justices (*Quorum unus*) of the County where such Slaves are supposed to lurk or do Mischief, may and shall issue Proclamation against all such Slaves, reciting their Names, and Owners Names, if known, requiring them forthwith to surrender; and also empowering the Sheriff of the said County to take such Power with him as he shall think fit for the effectual apprehending such outlying Slave or Slaves, and go in Search of them: Which Proclamation shall be

Ann. 1705 published on a Sabbath Day, at the Door of every Church
Cap. 49. and Chapel in the County, by the Parish Clerk, or
Pag. 227. Reader, immediately after Divine Worship. And if any
 Slave, against whom Proclamation thus issues, and is pub-
 lished at any Church or Chapel as aforesaid, does not im-
 mediately return Home, any Person or Persons, may law-
 fully kill and destroy such Slave, without Accusation or
 Impeachment of any Crime for the same. And, if any
 such Slave shall be apprehended by the Sheriff, or any
 other Person, upon Application of his or her Owner, the
 County-Court may order such Slave to be punished by
 dismembring, or any other Way not touching Life. (*See*
Slaves. Sect. 27.)

XXXVIII. *Provided*, That for every Slave killed in
 Pursuance of this Act, or put to Death by Law, the
 Owner shall be paid by the Public. (*See Slaves. Sect.*
16. 25.)

XXXIX. Upon Application of the Owner of any such
 Slave, to the Court appointed for Proof of Publick Claims,
 the said Court shall value such Slave in Money, and the
 Clerk of the Court shall return a Certificate thereof to
 the Assembly, with the rest of the Public Claims.

XL. The Churchwardens of every Parish, at the Parish
 Charge, shall provide a true Copy of this Act, and cause
 the same to be enter'd in the Parish Register. And every
 Parish Clerk, or Reader, shall, on the first Sermon *Sun-*
days in *September* and *March*, Annually, after Divine
 Service or Sermon ended, at the Door of every Church
 or Chapel in the Parish, publish the same. And the
 Sheriff of each County, shall, at the next Court held for
 the County after the last Day of *February*, Yearly, pub-
 lish this Act at the Door of the Court-house. Every
 Sheriff failing, shall forfeit Six Hundred Pounds of To-
 bacco; One Half to the Queen, &c. towards Support of
 this Government, the other to the Informer. And every
 Parish Clerk, or Reader, shall, for every such Failure,
 * *Pa.* 228. forfeit * Six Hundred Pounds of Tobacco; One Half to
 the Informer, the other to the Poor of the Parish: To
 be recovered with Costs, by Action of Debt, Bill, Plaint,
 or Information; no Effoin, Protection, or Wager of Law.

XLI. All Acts, &c. relating to any Matter within the
 Purview of this Act, repealed.

Ann. 1726 XII. 12 *Geo.* 1. *cap.* 4. * Every Negro, or other Per-
Cap. 4 son, who shall be taken up, and brought before any Justice,
Pag. 266 and cannot speak *English*, or will not declare the Name
 * *Ann.* 36 of his or her Owner, shall, by Warrant under such Justice's
 Blank

Hand, be committed to the Goal of the County where he or she is taken up. *Ann. 1726*
Cap. 4.

Pa. 367.

XLIII. The Sheriff or Under Sheriff of the County, to whose Custody the said Runaway is committed, shall forthwith cause Notice in Writing, of such Commitment, to be set upon the Court-house Door of the said County, and there continued Two Months; in which a full Description of such Runaway, and his or her Clothing, shall be particularly set down; and shall cause a Copy of such Notice to be sent to the Clerk or Reader of every Church or Chapel in the County, to be by him published, by setting up, in some open and convenient Place, near the said Church or Chapel, on every Lord's Day, for Two Months, from the Date thereof: And every Sheriff failing in his Duty, shall forfeit Five Hundred Pounds of Tobacco; and every Clerk or Reader, failing to publish such Notice, as before directed, shall, for every such Offence, forfeit Two Hundred Pounds of Tobacco: The said Forfeitures to be recovered, with Costs, in any Court of Record, by Action of Debt, Bill, Complaint, or Information; no Effoin, Privilege, or Protection, to be allowed: The one Moiety to the King, &c. towards Support of this Government, the other to the Informer.

XLIV. If the Owner of such Runaway can not be known, or doth not claim him or her, within the said Two Months, the Sheriff shall cause the said Runaway to be delivered to the next Constable, to be conveyed from Constable to Constable, to the Public Goal of this Colony, after such Manner, and to receive such Punishment, as is directed by 4 *Ann. cap. 49.* (See Sect. 24. 25.)

* XLV. Every Constable shall be exempted from Payment of all Public, County, and Parish Levies, for his own Person, during his Continuance in Office: And all Ferry keepers, shall give immediate Passage to all Constables, and their Assistants, charged with conducting any Runaway to the Public Goal, or to such Runaway's Owner, without Ferriage, going, or returning: But all such Ferriage shall be paid by the County where the Ferry-keeper lives, and shall be repaid by the Public, and levied on the Owner of such Runaway. *Pa. 368.

XLVI. When any Runaway, as aforesaid, shall be delivered to the Keeper of the Public Goal, by Virtue of this Act, such Keeper, upon Application to the General Court, or the next County Court to the said Goal,

Ans. 1726 Goal, with either of their Consent, may hire such Run-
Cap. 4. away to any Person, and for such Wages and Time, as
Pag. 368. they shall approve and direct; out of which Hire, all
 Fees for taking up, Imprisonment, conveying to Goal,
 and Charges of maintaining such Runaway, shall be
 first paid, and the Overplus, if any, disposed of, as
 the Court ordering such Runaway to be hired, shall
 direct.

XLVII. *Provided*, When the Owner demands such
 Runaway, the Person to whom he or she was hired,
 shall forthwith deliver him or her to the Keeper of the
 Public Goal; and then pay the Hire, in Proportion to
 the Time such Runaway hath served: And the said
 Keeper shall deliver such Runaway to the Owner, on
 paying down all Fees and Charges of Taking up, Im-
 prisonment, Conveying to Goal, and Maintaining him or
 her, if the Hire received for his or her Service, be not
 sufficient to satisfy the same.

XLVIII. *Provided also*, When the said Keeper, by
 such Court's Direction, as aforesaid, hires out any such
 Runaway, he shall, at the Time of Delivery, cause a
 strong Iron Collar to be put on such Runaway's Neck,
 with the Letters (P. G.) stamped thereon; and there-
 after, the said Keeper shall not be answerable for such
 Runaway's Escape.

**Pa.* 369. * XLIX. The Sheriff's and Goaler's Fees, on Commit-
 ment of such Runaways, shall be as follow:

To be paid to the Sheriff.

| | | | | | | | |
|------------------------------|---|-----------|-----------|-----------|----|------------|------|
| For Commitment of every such | { | <i>l.</i> | <i>s.</i> | <i>d.</i> | or | <i>lb.</i> | Tob. |
| Negro, or Runaway, - - - | } | 0 | 1 | 0 | | | 10 |
| For keeping and maintaining | { | | | | | | |
| him or her in Goal every | } | 0 | 0 | 6 | | | 5 |
| Twenty Four Hours, | | | | | | | |
| For his or her Releasement, | | 1 | 0 | | | | 10 |

To be paid to the Keeper of the Public Goal.

| | | | | | | | |
|------------------------------|---|-----------|-----------|-----------|----|------------|------|
| For Commitment of every such | { | <i>l.</i> | <i>s.</i> | <i>d.</i> | or | <i>lb.</i> | Tob. |
| Negro, or Runaway, - - - | } | 0 | 2 | 0 | | | 20 |
| For keeping and maintaining | { | | | | | | |
| him or her in Goal every | } | 0 | 0 | 6 | | | 5 |
| Twenty Four Hours, - - | | | | | | | |
| For his or her Releasement, | | 0 | 2 | 0 | | | 20 |

And the Keeper of the Public Goal, or any Sheriff, *Ann.* 1726 demanding and taking any greater Fee or Allowance, *Cap. 4.* shall, for every such Offence, forfeit to the Party griev- *Pag. 369* ed, Twenty Shillings; recoverable before a Justice of the County; and shall also refund to such Party, the Overplus so received and taken.

L. *Provided*, When any Runaway, belonging to any Inhabitant of *Maryland*, or *Carolina*, shall be committed to the County or Publick Goal, the Sheriff of the County, or Keeper of the Public Goal, may demand and receive of such Owner, the like Fees and Charges, for Taking up, Imprisonment, Commitment, Release, and Maintenance in Prison, as are demandable in the Province where such Owner resides, for Runaways belonging to *Virginia* Owners, taken up and committed there.

LI. When any Runaway, whose Owner is, or shall be supposed to be a Resident in *Maryland*, or *Carolina*, shall be committed to the Public Goal, the Keeper thereof, shall, by the first Opportunity, after the said Commitment, send a Description of such Runaway, with the Time of Commitment, and the County whence such Runaway was removed, to such Place of this Colony bordering on *Maryland*, or *Carolina*, respectively, as shall be agreed upon, between the Governor, and the Governors of the said Provinces, that the Owner may have timely Notice.

LII. *Provided*, When such Runaway shall be hired as before directed, the Keeper of the Public Goal shall be allowed but One Fee for Commitment, and the same for Release of such Runaway.

* LIII. When any such Runaway, whose Owner shall **Pa. 370.* not be known as aforesaid, shall be committed to the Public Goal, and dye there, all Charges of Taking up, Keeping, and Maintaining such Runaway in Goal, and all other Charges relating thereto, shall be defrayed by the Public.

LIV. Every Master of a Vessel, at the Time of his Clearing, and before he shall be cleared out, shall take the following Oath before the Officers of the Customs in the Port where the Vessel rides, to be by them Administred.

*I A. B. Master of the Ship (or Vessel) C. do swear,
That I will make diligent Enquiry and Search in my
said Ship, (or Vessel) and will not knowingly or willingly,
carry, or suffer to be carried, in my said Ship, out of this
Dominion, without such Pass as is directed by Law, any
Person*

Ann. 1726 Person or Persons whatsoever, that I shall know to be
Cap. 4 removing hence, in Order to deceive their Creditors : Nor
Page 379. any Servant, or Slave, that is not attending his or their
 Master, or Owner, or sent by such Master, or Owner.

LV. *Provided*, The Taking the said Oath shall not discharge such Master from any of the Penalties to which he is liable by 4 *Annæ*, cap. 12. (See *Transportation of Debtors*. Sect. 1. 2. 3.)

LVI. If any Person (not being a Servant,) shall forge any Pass, in order to procure a Transportation out of this Colony, he or she shall forfeit Ten Pounds Current Money, One Half to the King, &c. towards Support of this Government, the other to the Informer : To be recovered with Costs, in any Court of Record. And any Servant forging such Pass, or using the same, knowing it to be forged, in order to obtain a Transportation, or to escape out of this Colony by Sea or Land, shall stand in the Pillory, upon a Court-day, at the Court-house of the County where he or she shall be convicted, for Two Hours ; and receive Thirty Lashes, well laid on, at the Public Whipping-Post of the said County.

LVII. Any White Servant, running away, who at or after his or her Departure shall change his or her Name, or usual Habit, or otherwise disguise him or herself, with Intent thereby to escape Discovery ; shall, on Proof of such Deceit, be adjudged to serve his or her Owner, Six Months over and above all other Service due for running away.

* *Pa. 371.* LVIII. And whereas many Abuses have been committed by Persons, who under Pretence of understanding several Trades and Mysteries, have procured large Sums of Money to be advanced to them, and have entred into Covenants with Merchants, and others, in *Great-Britain*, for the Payment of large Wages Yearly, tho' they were totally ignorant of, and unable to perform such Trades and Mysteries : For Remedy thereof, Enacted, That every Person imported, or to be imported, as a Tradesman, or Workman, on Wages, who shall be found not to understand such Trade, may be brought by the Owner to any County-Court ; who, upon Complaint of such Deceit, shall inquire into the same ; and, upon finding any such Fraud, may adjudge such Satisfaction to be made to such Owner, by Defalcation of the Wages, or Part thereof, or by ordering such further Time of Service for the Money advanced, as to them shall seem just.

LIX. Any

LIX. Any Person imported as a Tradesman, or other Workman, on Wages, refusing or neglecting to perform his Duty, or absenting from his Service without Leave, shall make such Satisfaction to his Master, or Owner, as the County Court where such Owner resides, upon Complaint and Proof made before them, shall direct, for the Damages sustained by such Servant's Refusal or Neglect. And such Court shall order such Servant to serve his said Owner Two Days for every Day he shall have absented from his Service, after his Service, by Indenture, or former Order of Court expired, and that without Wages. *Ann. 1726*
Cap. 4
Pag. 371.

LX. 10 *Geo. 2. cap. 4.* Every Person hereafter bound by Indenture, to serve as an Apprentice in any Trade, Art, Military, or Occupation, with the Consent and Approbation of any Court of Record, altho' such Person be within the Age of Twenty One Years at the Time of making his Indenture, shall serve the full Term in such Indenture, as largely to every Intent, as if the said Apprentice was of full Age at the Time of making the same. Any Law, Usage, or Custom, notwithstanding.

S H E R I F F S.

§ I. 4 *Ann. cap. 3.* **E**VERY County Court, at some Time between the last of *January*, and last of *March*, Yearly, shall present to the Governor, or Commander in Chief, a List, or Recommendation of Three such Persons (being Justices,) as they think most fit to execute the Office of Sheriff the ensuing Year, of which the said Governor, or Commander in Chief, shall commissionate One. *Ann. 1705*
Cap. 3.
Pag. 133.

II. *Provided*, The Governor may, notwithstanding, continue any Person he thinks fit, in the Office of Sheriff of any County, Two Years, next immediately succeeding each other.

III. No Person shall be capable to execute the said Office, unless he shall be a Justice in the same County at the Time of his Entering thereupon; nor shall any Person execute the said Office any longer than Two Years next succeeding each other. (*See Sect. 15. 16.*)

IV. Every Person having obtained a Commission for the said Office, shall, before he is admitted to take the Oath of a Sheriff, or to enter on the Execution thereof, at the Court of his County, enter into Bond to the Queen, Her Heirs and Successors, with Two good Sureties at the least, in the Sum of One Thousand Pounds *Sterling*, for

Ann 1705 his true and faithful Performance of his Office. Which
 Cap. 3 Bond the said County Court shall take, and cause to be
 Pag. 133 acknowledged before them in open Court, and recorded
 in their County Records.

V. Every Sheriff, by himself, or his lawful Officers or
 Deputies, shall execute all Writs and Precepts to him di-
 rected according to the Demand thereof, and return the same
 in Manner following: All Writs returnable to any County
 Court, shall be executed, and Return thereof made, at
 least Two Days (excluding *Sunday*,) before the Return
 Day therein mentioned: And all Writs returnable in
 * Pa. 134. the General Court, executed as in the Act * establishing
 the General Court, and returned at least Three Days
 (excluding *Sunday*,) before the Return Day: (Altered as
 to General Court Writs. See *Judicial Proceedings*.
 Sect. 7.) And every Sheriff failing to make sufficient Re-
 turn as aforesaid, and according to the Times herein li-
 mited, shall, for every such Offence, forfeit One Thou-
 sand Pounds of Tobacco; one Moiety to the Queen, &c.
 towards Support of this Government, the other to the
 Party grieved: To be recovered by Action of Debt, Bill,
 Plaint, or Information, in any Court of Record; no Ef-
 foin, Protection, or Wager of Law to be allowed: And
 shall also be liable to an Action at the Common Law,
 at the Suit of the Party grieved, for any Damage sustained
 by such Failure. And every Sheriff, by himself, Officer,
 or Deputy, making a false Return of any Writ, or Pre-
 cept, by him executed, shall forfeit Three Thousand Pounds
 of Tobacco; to be recovered and divided as aforesaid:
 And also shall be liable to an Action at the Common
 Law, at the Suit of the Party grieved, for any Damage
 sustained by such false Return.

VI. *Provided*, No Sheriff, or his Officer or Deputy,
 shall execute any Writ or Precept upon the Lord's-Day, or
 upon any Person attending or doing his Duty at any
 Muster of the Militia, or any Election of Burgesses;
 but every Writ or Precept so executed shall be void.

VII. *Provided*, The Sheriff, his Officer or Deputy,
 may, at any Time and Place whatsoever, arrest any Per-
 son for Treason, Felony, Suspicion of Felony, or being
 Accessory thereto, or for any Riot, Breach of the Peace,
 or Escape out of Prison.

VIII. No Sheriff, or any of his Officers or Deputies,
 shall take or cause to be taken or made, any Obligation
 for any Cause whatsoever, by Colour of their Office, but
 only to themselves, of any Person, nor by any Person
 which

which shall be in their Ward by the Course of the Law, *Ann. 1705*
but by the Name of their Office, and upon Condition *Cap. 3.*
written, that the Prisoner or Prisoners shall appear at the *Page. 134.*
Day and Place contained in the Writ, Bill, or Warrant.
And if any Sheriff, or other Officer, take an Obligation
in other Form, by Colour of their Offices, it shall be
void.

IX. *Provided*, Any Sheriff, or other Officer, may
take such other Obligation of any Persons in their Ward,
as shall be directed by any other Act, upon any Special
Case therein mentioned.

X. If any Writ, or Precept, in any Civil Action, shall
be delivered to any Sheriff, or other Officer, to attach
the Body of any Person not to be found within the Coun-
ty; * Return of such Writ, or Precept, shall be made within ** Pa. 135.*
the Time herein before limited, according to the Truth
of the Case: And, if the Person against whom the same
issued shall not appear, an Attachment shall be awarded
against his Estate, returnable to the next Court; when,
if the Defendant fails to appear, the Estate so attached, or
to much thereof as shall be sufficient to pay what shall
appear to be due to the Plaintiff, with the Costs of Suit,
shall, by Rule of Court, be ordered to be appraised,
and delivered to the Plaintiff, for his Satisfaction therein:
But if the Defendant appears at the Return of the
Attachment, the same shall become void, and the
Trial shall proceed as in other like Cases, if the Defen-
dant had appeared at the Return of the first Writ or Pre-
cept.

XI. *Provided*, No Sheriff, or other Officer, shall return
upon any Writ, or Precept, that the Person against whom
the same issued, is not to be found, until he hath been at
such Person's Dwelling-House, or Place of Residence,
and not finding him, hath there left an attested Copy of
the same Writ or Precept.

XII. *Provided also*, If any Writ, or Precept, shall be
delivered to any Sheriff, or other Officer, to attach the
Body of any Person, being a known Inhabitant of another
County, such Sheriff, or Officer, shall return the Truth
of the Case, and thereupon the Process shall abate, and be
dismissed.

XIII. All Acts, &c. relating to any Matter within the
Purview of this Act, repealed.

XIV. 7 *Geo. 1. cap. 4.* * Every Person commissioned *Ann. 1723*
to be Sheriff of any County, pursuant to 4 *Annæ, cap. 3.* *Cap. 4*
(See Sect. 1.) and refusing to accept the said Office, *Page. 302*
shall

Ann. 1720 shall forfeit Three Thousand Pounds of Tobacco, of the
Cap. 4. Growth of the said County.

Pag. 309. XV. If any County Court neglects or refuses to recommend Three Persons according to the said Act, the Governor, or Commander in Chief, may appoint, by his Commission, any Person nominated a Justice in the Commission of the Peace for the said County, to be Sheriff, tho' such Person be not then sworn a Justice; and such Person refusing to accept the Sheriff's Office, shall forfeit Three Thousand Pounds of Tobacco, as aforesaid.

XVI. If any Person, being One of Three recommended by the County Court, and appointed Sheriff, in Pursuance of the said Act, shall die in the Time of his Sherifalty, the Governor or Commander in Chief may appoint one of the Survivors, recommended as aforesaid, to be Sheriff, in his room. And when any Sheriff appointed, upon a Neglect or Refusal of the County Court to recommend Persons as aforesaid, shall die in the Time of his Sherifalty, the Governor or Commander in Chief, may appoint, by his Commission, any Person nominated in the Commission of the Peace, as aforesaid, in *Sect.* 15. tho' such Person be not then a Justice. And every Person appointed Sheriff, upon the Death of another Sheriff, as aforesaid, and refusing to accept the Office, shall forfeit Three Thousand Pounds of Tobacco, as aforesaid.

XVII. No Person appointed by Virtue of this Act Sheriff of any County, by the Governor, or Commander in Chief, upon Neglect or Refusal of any County * Court, to recommend Persons as aforesaid, or upon the Death of any Sheriff in the Time of his Sherifalty, shall continue in the said Office of Sheriff for any other Time than by the aforesaid Act directed. (*See Sect.* 3.)

XVIII. The Forfeitures in this Act shall be to the King, &c. towards Support of this Government, and may be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any of the County Courts, or in the General Court; no Essoin, Protection, or Wager of Law to be allowed.

XIX. *Provided*, When any Person refusing to execute the Office of Sheriff as aforesaid, shall have paid the said Forfeiture, he shall not afterwards be appointed Sheriff of the said County, 'til such Time as every Justice named or to be named in the Commission of the Peace for the same, shall have served once in the Office of Sheriff for such County, or have paid the said Forfeiture of Three Thousand Pounds of Tobacco, for not accepting the said Office.

XX. *Provided*

XX. *Provided also*, If any Person appointed Sheriff Inn. 1720 shall be willing to execute the said Office, but cannot Cip. 4. get sufficient Security, according to the Directions of the Pag. 310. aforelaid Act, (*Señt.* 4.) and shall make Oath in the Court of the County of which he is appointed Sheriff, or, if there be no Court in the said County, then before the next adjoining County Court, that he hath used his best Endeavours, truly and *bona fide*, without Covin or Collusion, to get such Security, but cannot obtain it, such Person making such Oath, shall not incur the Forfeiture in this Act mentioned: Nor shall any Person who hath actually served as Sheriff in any County, be liable to any of the Forfeitures in this Act, for any Refusal to take upon him the said Office in the same County, if he be thereto again appointed, unless every Person named in the Commission of the Peace for the said County, hath actually after him served in the Office of Sheriff for the said County, or paid the Forfeiture given by this Act for Refusal.

XXI. This Act to continue in Force Three Years, and thence to the End of the next Session of Assembly.

XXII. 3 & 4 Geo. 2. cap. 14. The Act of 7 Geo. 1. Inn. 1730 cap. 4. revived, and made perpetual. Cip. 14.

XXIII. 10 Geo. 2. cap. 7. No Judgment shall be entered against any Sheriff, or other Officer, in any Suit Pag. 457. hereafter to be brought for the Escape of any Debtor, unless the Jury who tries the Issue, shall expressly find, that Inn. 1735 such Debtor did escape with the Consent, or thro' the Negligence of such Sheriff, or his Officer or Officers, or that such Prisoner might have been re-taken, and that the Sheriff, and his Officer, neglected to make immediate Pursuit. Cip. 7. Pag. 13.

XXIV. The Delivery of the Prisoners by Indenture to be made between the old Sheriff, on his going out of Office, and the new, according to the Practice in *England*, or the Entering upon Record in the County Court, the Names of the several Prisoners, with the Causes of their Commitment, shall be sufficient to discharge the old Sheriff from all Suits or Actions for any Escape that shall happen afterwards.

XXV. If any Person committed, rendered or charged in Custody in Execution, or on mesne Process, to any County Prison, shall thence escape, any Justice of the said County, upon Oath made before him by the Sheriff, Under-Sheriff, Goaler, or other credible Person, may grant unto any One demanding the same, one or more Warrant or Warrants under his Hand and Seal, reciting the Cause of such Prisoner's Commitment,

Ann. 1736 *Cap.* 7. Commitment, and Time of his or her Escape; directed to all Sheriffs, Mayors, Bailiffs, Constables, and Headboroughs, within this Colony; thereby commanding every of them in their respective Counties, Cities, Towns, and Precincts, to seize and retake such Prisoner, and him or her forthwith to convey and commit to the Prison where Debtors are usually kept, in the County where such Retaking shall happen: And the Sheriff of such County shall receive such Prisoner into his Custody, and give a Note testifying such Receipt, and make Return of the Execution of such Warrant to the Court of the County where such *Prisoner was first committed. And, if such Prisoner was committed in Execution, the said Sheriff shall keep him or her in Custody without Bail or Mainprize, until he or she shall make full Satisfaction to the Plaintiffs or Creditors in whose Name such Execution was sued out, or until the Judgments obtained against such Prisoner shall be reversed, or discharged by due Course of Law. And where any Prisoner shall have been committed upon mesne Process in any Action of Debt, or upon the Case, the said Sheriff shall, in like Manner, safely keep such Prisoner in Custody, and make Return of the Execution of the Warrant to the Court of that County where he or she was first arrested. Whereupon such Court, upon the Plaintiff or Creditor's filing his Declaration, may proceed and give Judgment thereon according as the Truth of the Case shall appear to them, in the same Manner as if such Prisoner had appeared and refused to plead, unless such Prisoner shall give Special Bail, and immediately plead to Issue; in which Case, upon Certificate given under the Hand of the County Court Clerk, and delivered to the Sheriff in whose Custody the said Prisoner is, such Sheriff may set such Prisoner at large; and not otherwise.

XXVI. *Provided*, If any Prisoner escaping, and being retaken, as aforesaid, shall thereafter be charged with Treason, Felony, or other Crime or Charge, in behalf of his Majesty, for which he or she ought to be tried in the General Court, and shall be thereupon remov'd to the Public Goal; such Prisoner shall be charged in the said Goal, with all the Causes where-with he or she was charged in the Goal from whence such Prisoner was so removed; and shall be discharged in Manner before directed.

XXVII. Where any Person shall be committed in any civil Action, to a County Goal, for any Cause or Thing cognizable in the General Court, he or she may

may sue out a *Habeas corpus, cum causa*, to remove his or her Body to the Public Goal, and the Cause of such Commitment into the General Court; which the Clerk of the Secretary's Office shall issue, upon the Application of any such Prisoner. Ann. 1736
Cap. 7.
Pag. 14.

XXVIII. Any Officer or other Person, by Virtue of any of the Warrants aforesaid, may arrest and apprehend any Prisoner so escaping, upon the Lord's Day.

XXIX. *Provided*, Any Person imprisoned for Debt or Damages, may discharge him or herself, by delivering a Schedule of his or her whole Estate, and taking the Oath mentioned in the Act of 12 Geo. 1. cap. 3. in such Manner as by the said Act is directed.

XXX. * Where any insolvent Person shall be committed in Execution, for any Sum whatsoever, and the Creditor, on Notice thereof given, shall fail to give Security to the Sheriff or Goaler, for Paiment of the Prison Fees, or shall fail to pay the same when demanded, in Tobacco or Money, at the Rate of Ten Shillings *per* Hundred, the Sheriff or Goaler may discharge such Debtor out of Prison. * Pa. 15.

XXXI. Where any Person accused of Treason, Felony, or other Capital Crime, shall be committed to any County Goal, and the Sheriff shall have just Cause to suspect such Person will attempt to escape, such Sheriff shall imprefs a sufficient Guard to secure such Prisoner, as long as he or she continues in the said Goal; the Charge to be levied on the County, and repaid by the Public, in the same Manner as is provided for the Charges of summoning and holding the Courts for the Examination of Criminals.

XXXII. Where any Person holding Lands of His Majesty, neglects to pay the Quit-Rents due for the same, or shall be indebted for Publick, County, or Parish Levies, and shall not discharge the same within the Time limited for Paiment thereof, the Sheriff or other Officer entrusted with the Collection thereof, may distrain any of the Slaves, Goods, or Chattles found upon the said Lands, or in Possession of such Person, notwithstanding the same may be mortgaged, so as such Distress be first made on the Personal Estate: And thereupon the like Notice and Proceedings for the Sale thereof, shall be had, as is prescribed in the Act of 3 and 4 Geo. 2. cap. 9; and such Sale shall be good in Law, against all Persons whatsoever.

XXXIII. Where

Ann. 1736 **XXXIII.** Where any Arrears of Quit-Rents, Levies, or Officers Fees shall be due, and the Sheriff, to whom the same ought to have been paid, die, or is removed from his Office, the succeeding Sheriff or Sheriffs, may make Distrets for the same, upon the Slaves, Goods, or Chattles, of the Person so chargeable, and make Sale thereof in Manner aforesaid, as to Quit-Rents, for Sterling Money or Bills of Exchange, and as to Levies and Officers Fees, for Tobacco; to be accounted for and paid by such Sheriff to the Receiver General, County and Parish Creditors, and Officers, respectively.

XXXIV. For all Public, County, or Parish Levies, Quit-Rents, Secretary's, Clerks, Sheriffs, Surveyors, or other Officers Fees, put into the Hands of any Sheriff to collect and discharge by Inspector's Notes, he shall be allowed Six *per Cent.*

S L A N D E R.

Ann. 1662 § I. 14 *Car.* 2. **W** H E R E A S many babbling Women slander and scandalize their Neighbours, for which their poor Husbands are often involved in chargeable and vexatious Suits, and cast in great Damages: *Be it Enacted,* That in Actions of Slander, occasioned by the Wife, after Judgement passed for the Damages, the Woman shall be punished by Ducking; and if the Slander be so enormous as to be adjudged at greater Damages than Five Hundred Pounds of Tobacco, then the Woman to suffer a Ducking for each Five Hundred Pounds of Tobacco adjudged against the Husband, if he refuses to pay the Tobacco.

S L A V E S.

Ann. 1755 § I. 4 *Ann.* **A** L L Negro, Mulatto, and Indian Slaves, after passing this Act, shall in all Courts of Judicature, and other Places within this Dominion, be taken and adjudged to be real Estate, (and not Chattles,) and shall descend unto the Heirs and Widows of Persons dying, according to the Manner and Custom of Land of Inheritance held in Fee Simple.

II. *Provided,* Slaves imported and consigned to any Merchant or Factor here, for Sale, while unfold in the Possession of such Merchant, or Factor, or of their Executors, Administrators, or Assigns, shall, to all Intents and Purposes, be held and adjudged to be Personal Estate,

Estate, in the same Condition, as if this Act had never been made. Anno 1705
Cap. 23.

III. *Provided also*, Such Slaves may be taken by Execution, for Payment of Debts, as other Chattels or Personal Estate may be. Pag. 169.

IV. *Provided also*, No such Slaves shall escheat by reason of the Proprietor's Death without lawful Heirs; but, in such Case, shall be accounted and go as Chattels and other Personal Estate.

V. *Provided also*, The Sale or Alienation of any such Slave need not be recorded; but may be made in the same Manner as before making this Act.

VI. *Provided also*, The Owner of any Slave or Slaves, not seised of other real Estate, shall have no Right or Privilege to vote as a Freeholder at any Election of Burgesses.

VII. *Provided also*, Any Person may sue for and recover any Slave, or Damage for the Detainer, Trover, or Conversion thereof, by Action personal, as before this Act.

VIII. * *Provided*, Where the Nature of the Case requires it, any Writ *De partitione facienda*, or of Dower, may be prosecuted, to recover the Right and Possession of any such Slave or Slaves. (See Sect. 48.) *Pa. 1705

IX. *Provided*, When any Person dies intestate, leaving several Children, such Person's Slaves (except the Widow's Dower, which is to be first set apart,) shall be inventoried and appraised, and their Value equally divided among all the said Children; and the several Proportions, according to such Valuation and Appraisalment, shall be paid by the Heir (to whom the said Slaves shall descend, by Virtue of this Act) unto every of the other Children; which Children, and their Executors and Administrators, may prosecute an Action upon the Case at the Common Law, against such Heir, his Heirs, Executors, and Administrators, for Recovery of their several Proportions, respectively. (See Sect. 41. 49.)

X. If any Widow, seised of any such Slave or Slaves, as aforesaid, as of the Dower of her Husband, shall send, or voluntarily permit to be sent out of this Colony, such Slave or Slaves, or any of their Increase, without the lawful Consent of him or her in Reversion, such Widow shall forfeit such Slaves, and all other the Dower she holds, unto the Person or Persons that shall have the Reversion thereof: And if any Widow, seised as aforesaid,

Ann. 1705 foreſaid, ſhall marry a Husband, who ſhall ſend or per-
Cap. 23. mit to be ſent, any ſuch Slaves, or any of their In-
Pag. 170. create, out of the Colony, without the Conſent of him or
 her in Reverſion, as aforeſaid, he or ſhe in Reverſion,
 may enter into, poſſeſs, and enjoy all the Eſtate which
 ſuch Husband holdeth in Right of his Wife's Dower,
 for and during the Life of the ſaid Husband.

Ann. 1723 XI. 9 *Geo. 1. cap. 4.* If any Number of Negroes or
Cap. 4. other Slaves, exceeding Five, ſhall conſult, adviſe, or
Pag. 339. conſpire, to rebel or make Inſurrection, or plot, or con-
 ſpire the Murder of any Perſon, every ſuch conſult-
 ing, plotting, or conſpiring, ſhall be adjudged Felony;
 and every Slave convicted thereof, in Manner hereinafter
 directed, ſhall ſuffer Death, without Benefit of Clergy.

XII. Every Slave committing any Offence by Law
 puniſhable by Death, or Loſs of Member, ſhall be com-
 mitted to the County Goal; and the Sheriff of ſuch
 County ſhall forthwith certify ſuch Commitment, with
 the Cauſe thereof, to the Governor or Commander in
 Chief, who may iſſue a Commiſſion of *Oyer and Ter-*
miner, to ſuch Perſons as he ſhall think fit; which
 Perſons ſhall cauſe the Offender to be publicly arraign-
 ed and tried, at the Court-houſe of the ſaid County;
 and take for Evidence the Confeſſion of the Offender, the
 Oath of one or more credible Witneſſes, or ſuch Testi-
 mony of Negroes, Mulattos, or Indians, bond or free,
 with pregnant Circumſtances, as to them ſhall ſeem
 convincing, without the Solemnity of a Jury; and the
 Offender being found guilty, ſhall paſs ſuch Judgment
 upon him or her as the Law directs for the like
 Crimes; and on ſuch Judgment, ſhall award Ex-
 ecution.

XIII. Where any Negro, Mulatto, or Indian, (not
 being a Chriſtian,) ſhall, upon due Proof made, or preg-
 nant Circumſtances appearing before any County Court,
 be found to have given a falſe Teſtimony, on Trial of any
 Slave for Capital Crimes, every ſuch Offender, with-
 out further Trial, ſhall be ordered by the ſaid Court,
**Pa. 340.* * to have One Ear nailed to the Pillory, and there to
 ſtand for an Hour, and then the ſaid Ear to be cut off,
 and the other Ear nailed in like Manner, and cut off
 at the End of another Hour, and further to order ſuch
 Offender Thirty Nine Lashes on the bare Back, well
 laid on, at the common Whipping-Post.

XIV. At every ſuch Trial of Slaves committing Ca-
 pital Offences, the Perſon firſt named in the Commiſſion,
 ſitting

sitting on such Trial, shall, before the Examination of ^{Ans. 1723} every Negro, Mulatto, or Indian, not being a Christian, Cap. 4. charge such Evidence to declare the Truth, in the Words ^{Pag. 342} following:

YOU are brought hither as a Witness; and by the Direction of the Law, I am to tell you before you give your Evidence, that you must tell the Truth, the whole Truth, and nothing but the Truth; and that, if it be found hereafter, that you tell a Lie, and give false Testimony in this Matter, you must, for so doing, have both your Ears nailed to the Pillory, and cut off, and receive Thirty Nine Lashes on your bare Back, well laid on, at the common Whipping-Post.

XV. *Provided*, The Owner of any Slave to be tried by Virtue of this Act, may appear at the Trial, and make what just Defence he can for such Slave, so as it does not relate to any Formality in the Proceedings on the Trial.

XVI. The Commissioners that shall sit on Trial, shall put a Valuation in Money, upon every Slave convicted by Virtue of this Act; and certify such Valuation to the next Assembly, to enable them to make a suitable Allowance thereupon, to the Owner.

XVII. No Meeting of Negros or other Slaves shall be allowed, on any Pretence, (except as hereafter excepted;) and every Master, Owner, or Overseer of any Plantation, knowing or permitting any such Meeting, or suffering more than Five Negros, or Slaves, other than the Slaves belonging to such Plantation, to be and remain thereon, at any one Time, shall forfeit Five Shillings, or Fifty Pounds of Tobacco, for each Negro or Slave, above such Number, that shall so unlawfully meet on such Plantation, to the Informer: To be recovered, with Costs, before any Justice of the County.

XVIII. *Provided*, Nothing herein shall be construed to restrain the Negros, or other Slaves, belonging to one and the same Owner, and seated at distinct Quarters, to meet by the License of such Owner, or his or her Overseer, at any of the Plantations to such Owner belonging; nor the Meeting of any Number of Slaves, on their Owner's, or Overseer's Business, at any Public Mill, so as such Meeting be not in the Night, or on a Sunday; nor their Meeting on any other lawful Occasion, by the License * in Writing of their Master, Mistr^{ess}, ^{*Pag. 341.}

Ann. 1723; tress, or Overseer; nor to prohibit any Slave's meeting
Cap. 4 at Church, to attend Divine Service on the Lord's Day,
Pag. 341. or any other Time set apart by lawful Authority, for
 public Worship: But every such Meeting shall be ac-
 counted lawful.

XIX. Any White Person, free Negro, Mulatto, or Indian, found in Company with any such Slaves, at any unlawful Meeting; or harbouring or entertaining any Negro, or other Slave, without the Owner's Consent, shall, upon Conviction, forfeit Fifteen Shillings, or One Hundred and Fifty Pounds of Tobacco, to the Informer, to be recovered, with Costs, before any Justice; or upon Failure to make present Payment, shall receive on the bare Back, Twenty Lashes, well laid on, for every such Offence: And every Negro, Mulatto, or Indian Slave, assembling at such unlawful Meeting, upon Information thereof made to any Justice of the County, shall, for every such Offence, receive, on the bare Back, any Number of Lashes not exceeding Thirty Nine.

XX. Every Justice of any County where such unlawful Meeting happens, upon his own Knowledge, or Information thereof to him made, within Ten Days after, shall issue his Warrant to apprehend all Persons so met or assembled, and cause them to be brought before him or some other Justice of the said County: And every Justice failing in his Duty herein, shall forfeit Fifty Shillings, or Five Hundred Pounds of Tobacco, for every such Offence.

XXI. Every Sheriff, Under-Sheriff, or Constable, who, upon his own Knowledge, or Information to him made of any such unlawful Meeting, shall fail to endeavour to suppress the same, and to carry the Offenders before some Justice to receive due Punishment, such Sheriff, for every such Offence, shall forfeit Fifty Shillings, or Five Hundred Pounds of Tobacco: Both which Fines of Fifty Shillings, or Five Hundred Pounds of Tobacco, herein before-mentioned, shall be to the Informer; and may be recovered, with Costs, in any Court of Record, by Action of Debt, Bill, Plaint, or Information; no Effoin, Protection, Wager of Law, or more than one Impar lance to be allowed. And such Under-Sheriff, or Constable, failing to perform his Duty as aforesaid, for every such Offence shall forfeit Twenty Shillings, or Two Hundred Pounds of Tobacco to the Informer; to be recovered, with Costs, before any Justice of the County.

XXII. If any Negro, Mulatto, or Indian Slave, shall come and be on any Person's Plantation, without the Leave, or Consent in Writing, of his or her Owner, * or Overseer, and without the Consent and Approbation of the Owner or Overseer of such Plantation, the Owner or Overseer of any such Plantation or Quarter, may give such Slave Ten Lashes on the bare Back, well laid on, for every such Offence. Ann. 1723
Cap. 4.
* Pa. 342.

XXIII. No Negro, Mulatto, or Indian, (except as herein after excepted,) shall keep or carry any Gun, Powder, Shot, Club, or other Weapon, offensive or defensive; but every Gun, Club, and Weapon, and all Powder and Shot, found in the Custody of any such Negro, Mulatto, or Indian, shall be taken away; and, upon due Proof thereof, made before any Justice of the County, shall be forfeited to the Informer: And every such Negro, Mulatto, or Indian, shall, by Order of such Justice, receive any Number of Lashes not exceeding Thirty Nine, well laid on, on the bare Back, for every such Offence.

XXIV. *Provided*, Every free Negro, Mulatto, or Indian, being a Housekeeper, or listed in the Militia, may keep One Gun, Powder, and Shot. And all Negros, Mulattos, or Indians, bond or free, living at any frontier Plantation, may keep and use Guns, Powder and Shot, or other Weapons, offensive or defensive, having first obtained a License for the same from some Justice of the County where such Plantations lie, to be obtained upon the Application of such free Negros, Mulattos, or Indians, or of the Owner or Owners of such as are Slaves.

XXV. If in the dispersing any unlawful Assembly, Pursuit of Rebels, or Conspirators, or seizing the Arms and Ammunition of such as are by this Act prohibited to keep the same, any Slave shall be killed, the Court of that County, upon Application of the Owner, and due Proof made, shall put a Valuation in Money upon such Slave; and certify the same to the next Assembly, to enable them thereupon to make a suitable Allowance to the Owner.

XXVI. No Negro, Mulatto, or Indian Slave, shall be set free, upon any Pretence, except for some meritorious Service, to be adjudged and allowed by the Governor and Council, and a License thereupon first had and obtained. And if any Slave shall be otherwise set free, the Churchwardens of the Parish where he or she shall reside for the Space of one Month next after being set free, may and shall take up and sell such Negro, Mulatto, or Indian, as a Slave, at the next Court held for the County, by public

Ann. 1723 public Out-cry ; the Money arising by * such Sale to be
Cap 4. applied by the Vestry, to the Use of the said Parish.

* *Pa.* 343 XXVII. Where any Slave shall be found notoriously guilty of going abroad in the Night, or running away and lying out, and cannot be reclaimed from such disorderly Courses by the common Methods of Punishment ; the County Court, upon Complaint and Proof thereof made by the Owner, may order such Slave to be punished by Dismembring, or any other Way not touching Life, as they shall think fit.

XXVIII. If any Slave shall die by Means of such Dismembring by Order of the County Court, or by reason of any Stroke or Blow, given in Correction by his or her Owner for any Offence, or by reason of any accidental Blow whatsoever, given by such Owner ; no Person concerned in such Dismembring, Correction, or accidental Homicide, shall undergo any Prosecution or Punishment for the same ; unless, upon Examination before the County Court, it shall be proved by the Oath of one lawful and credible Witness at least, that such Slave was killed wilfully, maliciously, or designedly ; nor shall any Person indicted for the Murder of any Slave, and upon Trial found guilty only of Manslaughter, incur any Forfeiture or Punishment for such Offence and Misfortune.

XXIX. *Provided*, Nothing herein shall be construed to barr the Action of any Person, whose Slave shall happen to be killed by any other Person, or happen to die through the Negligence of any Surgeon, or other Person undertaking the Dismembring or Cure of such Slave, liable to such Punishment by this Act.

XXX. All free Negros, Mulattos, and Indians, Male and Female, above the Age of Sixteen Years, and all Wives of such Negros, Mulattos, and Indians, shall be deemed and accounted Tithables, (Tributary Indians to this Government excepted.)

XXXI. Where any Female Mulatto, or Indian, by Law obliged to serve till the Age of Thirty or Thirty One Years, shall, during the Time of her Servitude, have any Child born of her Body, such Child shall serve the Owner of such Mulatto, or Indian, until it shall attain the same Age the Mother of such Child was obliged by Law to serve unto.

* *Pag.* 344 * XXXII. No free Negro, Mulatto, or Indian, shall have any Vote at the Election of Burgesses, or any other Election whatsoever.

XXXIII. The

XXXIII. The Churchwardens of every Parish, shall, *Ann. 1723*
at the Parish Charge, provide a true Copy of this Act, *Cap. 4*
and caule it to be entred in the Parish Register, and *Page 344*
shall, on some *Sunday* in *April*, and *October*, Yearly,
after Divine Service ended, at the Door of every Church
and Chapel in their Parish, publickly read the same:
And the Sheriff of every County shall, at his County
Court, in *June* and *July*, Yearly, publish this Act at
the Door of the Court-house. And every Churchwar-
den and Sheriff, making Default, shall, for every such
Offence, forfeit Five Hundred Pounds of Tobacco, to
the Informer: To be recovered, with Costs, by Action
of Debt, in any Court of Record; and the Minister,
or Reader making Default, shall, for every such Offence,
forfeit Two Hundred Pounds of Tobacco, to the In-
former: To be recovered, with Costs, before any Jus-
tice of the County.

XXXIV. The Act, 4 *Annæ* cap. 11. repealed.

XXXV. 1 *Geo. 2. cap. 11.* The Act of 4 *Annæ*, cap. *Ann. 1721*
23, shall, hereafter, be construed, and the true Intent *Cap. 11.*
and Meaning thereof, is hereby declared to be, in the *Page 404*
several Cases herein after mentioned, as the same is
herein after declared, and not otherwise.

XXXVI. Where any Person, by Bargain and Sale,
Gift, with or without Deed, last Will and Testament in
Writing, or nuncupative Will, shall bargain, sell, give,
dispose, or bequeath any Slave or Slaves, such Bargain,
Sale, Gift, or Bequest, shall transfer the absolute Pro-
perty, as if such Slave or Slaves were a Chattle: And
no Remainder of any Slave shall be limited by any
Deed or Will, otherwise than the Remainder of a
Chattle Personal, by the Rules of the Common Law
may be limited; except in the Manner herein after
mentioned.

XXXVII. Where any Slave hath been, or shall be
conveied, given, or bequeathed, or hath, or shall de-
scend to any Feme Covert, the absolute Right, Pro-
perty and Interest of such Slave, is hereby vested in
and shall accrue to the Husband of such Feme Co-
vert: And where any Feme Sole is or shall be pos-
sessed of any Slave, as of her own proper Slave, the
same shall accrue to and be absolutely vested in the
Husband of such Feme, when she shall marry.

* XXXVIII. Any Infant, above the Age of Eigh- *Page 405*
teen, by his or her last Will and Testament, in Wri-
ting, may dispose and bequeath the absolute Right,
Property,

Ann. 1727 Property and Interest of any Slave, whereof he or she
Cap. 11. shall be possessed.

Pag. 405. XXXIX. No Slave shall be forfeited, except in such Cases, where the Lands and Tenements of the Person incurring the Forfeiture, is, should or might be forfeited.

XL. No Executor or Administrator, shall sell or dispose of any Slave of his Testator, or Intestate, except for paying the just Debts of such Testator, or Intestate, and then only where there is not sufficient of the Personal Estate of such Testator, or Intestate, to pay such Debts; in which Case the Executor or Administrator may sell such Slaves as shall be sufficient to raise so much Money as the Personal Estate falls short of the Payment of the Debts.

XLI. When a Mother dies Intestate, leaving one or more Slave or Slaves, other than such which she holds as of her Dower, the Heir at Law shall be accountable to the younger Children for their Proportions of the Value of such Slave or Slaves, in the same Manner as in Case of a Father's dying, and leaving such Slaves. (See Sect. 9.)

XLII. *Provided*, Nothing herein shall be construed to alter the Property of any Slave, which by the Judgment of the General Court, or any County Court, hath been adjudged to belong to any Person; but such Judgment shall remain, and be deemed valid and binding.

XLIII. *Provided also*, Where any Person, by Deed executed in his Life-time, or by his last Will and Testament in Writing, hath disposed of any Slave for the Life of any Person, and thereupon limited any Remainder, such Remainder shall be good in Law, to transfer the absolute Property of such Slave to the Person to whom such Remainder hath been limited, and no otherwise.

XLIV. Any Person, by Deed executed in his or her Life-time, or by his or her last Will and Testament, wherein any Lands and Tenements shall be settled, conveyed, or devised in Fee-Tail, or for Life or Lives, may settle, convey or devise any Slave or Slaves; and in such Deed or
 * *Pa. 406.* Will, declare that such Slave or Slaves, * and their Increase, so long as any of them shall be living, shall descend, pass and go, as Part of the Freehold, to such Person to whom such Lands and Tenements shall be so conveyed or devised, and to whom the same shall from Time to Time descend and come; and such Declaration shall

shall be good in Law to annex such Slaves to the Free-
hold and Inheritance of such Lands and Tenements, and
they, and their Increase, shall descend, pass, and go, in
Possession, Reversion, and Remainder, with such Lands
and Tenements: Or where any Person, by Deed or Will
as aforesaid, shall settle, convey, or devise any Lands and
Tenements in Fee Tail, or for Life or Lives; and shall, in
the same Deed or Will, settle, convey, or devise, any
Slave, or Slaves, with the same Limitations with which
such Lands and Tenements shall be so settled, conveyed,
and devised, such Limitations shall amount to a Declara-
tion of the Intent of the Party conveying or devising the
same, that they should be annexed to such Lands and
Tenements; and shall descend, pass, and go therewith,
from Time to Time, as aforesaid.

Ann. 1727

Cap. 11.

Pag. 406.

XLV. Where any Person is, or shall be, seised of
Lands or Tenements in Fee Tail, such Person by Deed
executed in his or her Life-time, or by his or her last Will
and Testament, may annex to the same Lands and Tene-
ments, all, or any Slave or Slaves, which such Tenant
in Tail shall be possessed of; and may declare that such
Slave or Slaves, and their Increase, so long as any of them
shall be living, shall descend, pass, and go in Possession,
Reversion, or Remainder, as Part of the Freehold, under
the like Limitations with which such Lands and Tene-
ments are or have been settled, conveyed, or devised:
And such Declaration shall be as effectual to annex the
said Slave or Slaves, and their Increase, to such Lands
and Tenements, as if the same had been settled, conveyed,
or devised, by the same Deed or Will, whereby the Estate
in the said Lands and Tenements was at first made and
created.

XLVI. Notwithstanding any Slave shall be annexed
as aforesaid, to any Lands and Tenements settled, con-
veyed, or devised, in Fee Tail, in Possession or Remainder;
such Slave or Slaves, or their Increase, shall be liable to
be taken in Execution, and sold, for paying the just Debts
of the Tenant in Tail, for the Time being. And such
Sale shall be good and effectual against him, or her, and
his or her Issue, and all other Persons whatsoever claiming
under such Settlement.

XLVII. *Provided also*, If any Person hereafter pos-
sessed of any Slave in Right of his Wife, which shall be
so annexed to Lands as aforesaid, such Slave shall not be
liable to be taken in Execution, or sold, for satisfying any
Debt of such Husband * so as to bar the Wife of any * P. 407.
Right

Ann. 1727 Right which she may claim under any Settlement made
Cap. 11. in Pursuance of this Act, after his Death.

Pag. 407. XLVIII. Where any Person hath or shall have a Right to demand Dower, or have a Partition of any Slave or Slaves, such Person shall and may exhibit a Bill in Equity for that Purpose, against the Person of whom the same may be demanded: And the Court before whom such Bill shall be exhibited, shall compel the Defendant to answer, and proceed upon such Bill and Answer, altho' the Defendant be under Age, according to the Course and Rules of Equity; and shall make such Decree for the Assignment of such Dower, or making such Partition, as shall be most agreeable to Equity: And such Assignment of Dower or Partition, shall be as effectual as if made in the ordinary Methods of the common Law.

XLIX. Where it shall be necessary for the younger Child or Children of any Person, to bring any Suit against the Heir at Law, for recovering his or their Proportion of the Value of any Slave or Slaves, pursuant to the said Act, (*See Sect. 9.*) instead of an Action upon the Case, such Child or Children shall exhibit his or their Bill in a Court of Equity, for recovering such Proportion: And the Court before whom such Bill shall be exhibited, shall proceed upon the Bill, and the Answer of the Defendant, altho' under Age, and give such Relief for the recovering and compelling the Payment of such Proportion of the true Value of such Slave or Slaves, as shall be agreeable to the Rules of Equity.

L. When any Widow shall not be satisfied with the Provision made for her by her Husband's Will, such Widow, within Nine Months after her Husband's Death, before the Court where such Will shall be proved, or by
**Pa.* 408. Deed executed in the Presence of Two or more *Witnesses, may declare that she will not accept, receive, or take, the Legacy or Legacies to her given and bequeathed, or any Part thereof, and will renounce all Benefit and Advantage which she might claim by such last Will. And after such Declaration, may demand and recover her Dower of all the Slaves whereof her Husband died possessed; which she shall enjoy during her Natural Life: And, after her Death, or other Determination of that Estate, the same shall go to the Person or Persons in whom the Property thereof would have vested, if the Dower had not been demanded: And moreover such Widow shall have such Share of the Personal Estate of her Husband, as by 4 *Annæ*, *cap.* 55. is directed. (*See Intestates Estates. Sect. 1. 3.*)
 But

But if such Declaration be not made within the Time before limited, she shall be for ever barred to claim any other Part of her Husband's Estate, than shall be given or bequeathed by such last Will. *Ann. 1727 Cap. 11. Pag. 408.*

LI. 5 & 6 Geo. 2. cap. 6. If any Person shall steal any Negro, Mulatto, or Indian Slave whatsoever, out of or from the Possession of the Owner or Overseer of such Slave, * the Person so offending is hereby declared a Felon, and shall suffer Death, without Benefit of Clergy. *Ann. 1732 Cap. 6. Pag. 473. * Pa. 474.*

S U R V E Y O R S.

§ I. 4 *Annæ*, **E**VERY Surveyor of Land, within any County, shall, before his Entrance upon the Execution of such Office, take a Solemn Oath, before the Court of that County whereof he is appointed Surveyor, for his true and faithful Execution and Discharge, to the best of his Knowledge and Power, of his said Office: Which Oath such Court shall administer, and cause a Record thereof to be made. *Ann. 1705 Cap. 22. Pag. 166.*

II. Any Surveyor, upon reasonable Notice to him given, refusing to survey any Land for any Person requiring the same, in a lawful Manner, and which may lawfully be done, shall forfeit Four Thousand Pounds of Tobacco; one Half to the Queen, &c. towards Support of this Government, and the other to the Party grieved, if he will sue for the same.

III. Each Surveyor, when he makes a Survey of any Land, shall see that such Land be plainly bounded, by natural Bounds, marking Trees, or making other artificial Bounds: And shall, within Six Months after Survey, give to his Employer a Survey and Plot of the said Land; and shall keep in a fair Book, bound in Vellum or Leather, and made of large *Dutch* Paper Royal, to contain about Two Quires in Bigness, the said Survey and Plot. (*Note, The Surveyors Fees were settled by this Law; but are now repealed by 8 Geo. 2. cap. 10. See Fees. Sect. 9 & 19.*)

* IV. No Surveyor shall make any Survey of Land without Chain-Carriers, sworn to measure justly and exactly, according to the best of their Knowledge, and to deliver their Account thereof truly to the Surveyor; which Oath every Surveyor in his District may administer. ** Pa. 167.*

V. Any Entry legally made for unpossessed Land, where the Surveyor cannot at the Time of Entry made, attend to survey, shall stand good, until such Surveyor

Ann. 1705 shall give Notice of his being ready to go upon the Survey thereof. And if the Party claiming by such Entry, *Cap.* 22. *Pag.* 167. his Heirs or Assigns, shall not within one Month after such Notice, attend the Surveyor, with all Necessaries for making such Survey, and give him timely Warning thereof, such Entry shall be void.

VI. No Surveyor, within Six Months after Survey made, shall give a Copy of the said Survey, or Plot, other than to the Person that first lawfully employed him to make the said Survey, on pain of forfeiting to the Party injur'd, his Executors, or Administrators, Five Hundred Pounds of Tobacco for every Hundred Acres of Land the said Survey shall contain.

Pa. 168. VII. Every Surveyor, upon his entring into the said Office, shall apply himself to the County Court (who may levy the Charge thereof upon the County,) for such a Book as is mentioned *Sect.* 3. for entring of Surveys and Plots, and shall fairly enter and plot all the Surveys that he shall make during his Continuance in the said Office, within Two Months after every such Survey made, with Indications in the Plots, of all the Rivers, Creeks, and Branches, that he shall cross in his Courses ; and also of the Boundaries, and adjacent Plantations, &c. * that he shall meet with ; and shall annually in *June* return to the County Court Clerk's Office, to be by him recorded, a true and perfect List of all the Surveys by him made in that County, *viz.* For whom, what Quantity of Land, and the Place or Parish where it lies ; upon pain of forfeiting for every Default in any of the Premises, Two Thousand Pounds of Tobacco, one Half to the Queen, &c. towards Support of this Government, and the other to the Informer.

VIII. The County Court, at any Time, of their own Motion, or on the Complaint or Suggestion of any Person, may appoint Two or more understanding Persons, of their County, to view and examine the Surveyor's Book of the County Surveys and Plots ; and to make Report thereof to them, whether it be kept, in all Things, according to this Act.

IX. Upon the Death or Removal of any Surveyor, the County Court may retake the said Surveyor's Book, and cause the same to be preserved among the County Records, or let the same to the next Surveyor at their Discretion, for his County Book, to enter his Surveys and Plots in : But where the same is let to the next Surveyor, such Court shall first take his Oath to preserve the said Book, with

with the best of his Care, and under his own Lock and Key, *Ann. 1705*
and not to alter or suffer any Thing to be alter'd therein, *Cap. 22*
of what was done before the Time of his Surveyorship. *Pag. 168.*

X. *Provided*, That it shall be sufficient for the Surveyor, having once entered the Plot of any City, Town, Port, or Public Landing, in the Book, to keep a Note of the Person's Name, that shall take up any Lot in any such City, Town, Port, or Public Landing, with the Number of the Lot.

XI. All Penalties and Forfeitures incurred by Virtue of this Act, may be recovered with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record; no Effoin, Protection or Wager of Law to be therein allowed.

XII. All Acts, &c. relating to any Matter within the Purview of this Act, repealed.

XIII. 10 Geo. 2. cap. 11. When any Person shall offer to enter with any Surveyor, for any Land not before granted by Patent, if the Surveyor refuses to enter the same, on Pretence it was entred before, he shall produce his Book of Entries for Lands to such Person, and shew him the said Entry, and if required, give an attested Copy thereof; the Person demanding the same, paying for such Copy, Two Shillings and Six Pence, and no more. *Ann. 1736*
Cap. 11.
Pag. 28.

XIV. If any Surveyor refuses to produce his said Book, on Request, if the Demand be made at the Surveyor's House, or any other Place where such Book is, or to give a Copy of any Entry, or to enter any Land, as aforesaid, if such Entry required to be made be agreeable to, and not interfering with the Orders of the Governor in Council, in relation to the taking up and patenting Lands, such Surveyor shall forfeit, for every such Refusal, Twenty Pounds Current Money, to the Person so refused.

XV. Where any Entry hath been or shall be made for less than Four Hundred Acres of Land, and the Person making the same, before the Survey thereof, shall duly enter for a greater Quantity adjoining thereto, not exceeding Four Hundred Acres in the whole, the Surveyor shall not be entitled to any larger Fee for the Survey, than he would have been if the whole Quantity had been entred for at first.

XVI. If any Surveyor shall survey any Land not before patented, without the known and established Limits of his County, except by Order of the Governor and

Ann. 1736 and Council, such Survey shall be deemed illegal and
Cap. 11. void, and no Patent shall issue thereon; and he shall
Pag. 28. forfeit Five Pounds Current Money to the Surveyor of
 the County where such Land lies.

XVII. Where any Land lies in Two Counties, and the Title or Bounds shall be drawn into Controversy, so as to occasion a Survey thereof, by Order of the Court where such Controversy is, tho' the Surveyors of both Counties attend, they shall not be intitled to more for making such Survey, than if One Surveyor only had attended and performed the Service.

XVIII. No Surveyor, having any Fees due to him by Virtue of his Office, shall directly or indirectly, in his own Name, or the Name of any other Person in Trust for him, take any Obligation, or other Specialty, Note, or other Security, from any Person whatsoever, for Paiment of Money in Lieu of such Fees: And all such Specialties, Notes, or Securities, shall be void.

XIX. If any Suit shall be brought upon any such Specialty, Note, or Security, the Defendant may plead this Act in bar thereof, and the Plaintiff shall join the Issue upon such Plea; on Trial of which Issue, the *O-nus probandi*, as to the Consideration for which the same was given, shall lie upon the Plaintiff.

XX. Any Surveyor refusing to make the Abatement settled by Law, for the Conveniency of paying his Fees in Inspectors Notes, when the Person chargeable therewith shall pay the same, shall forfeit to such Person, Five Shillings for every Hundred Pounds of Tobacco (and so proportionably) for which he shall refuse to make such Abatement.

XXI. The Penalties and Forfeitures herein before mentioned, to be recovered by Action of Debt, or Information, in any Court of Record; except the same be under Twenty Five Shillings, and then before a Justice.

XXII. There shall be but One Surveyor with whom Entries for Land shall be made, for each of the Counties of *Brunswick, Amelia, Goochland, Hanover, and Orange*; who shall be resident in such County respectively, on Penalty of forfeiting Ten Pounds *Sterling*, for every Month he resides out of the same: One Moiety to the King, &c. towards Support of this Government, the other to him or them that will sue or inform for the same: To be recovered, by Action of Debt, or Information, in any Court of Record.

TANNERS.

§ I. 3 *Will. & Mar.*
cap. 12.

NO Person using the Mystery of Tanning Leather, shall suffer any Hide or Skin to lie in the Limes till the same be over-limed, nor put any Hide or Skin into any Tanfat, before the Lime be well tokened and wrought out, nor put to Sale any tanned Hide or Skin, but such as shall be viewed, approved, and sealed, as hereafter directed; upon pain of Forfeiture thereof. *Ann. 1691 Cap. 12. Pag. 95.*

Skin to lie in the Limes till the same be over-limed, nor put any Hide or Skin into any Tanfat, before the Lime be well tokened and wrought out, nor put to Sale any tanned Hide or Skin, but such as shall be viewed, approved, and sealed, as hereafter directed; upon pain of Forfeiture thereof.

II. No Person shall curry any Leather, not well and perfectly tanned, nor curry any Hide or Skin, not being thoroughly dry, after his wet Season, with any other than good Stuff, nor with less of that than the Leather will receive; nor curry any Leather fit for Over-Leather and Inside Soles, but with good Stuff, not Salt; on pain of Forfeiture for every such Offence, Ten Shillings to the Owner of each Hide or Skin so damaged.

III. Every County Court shall appoint one or more fit Person or Persons to search and try all such curried Leather; who shall, with a Seal to be provided for that Purpose, upon Request, seal all Leather sufficiently curried; taking for every Hide so sealed, Three Pence, and Five Pence for every Dozen of Calf Skins, from the Owner.

IV. No Person using the Mystery of a Shoemaker, shall make or cause to be made any Boots, Shoes, Slippers, or any part of them, of *Virginia Leather* or The not curried, or other than Deer Skins, † Calf Skins, † *Statute is* or Goat Skins, made and dressed like *Spanish Leather* wet cur- ther, but of Leather well tanned and curried, or well ried. tanned only, and substantially sewed with good Thread, † *Pa. 96.* well twisted and made, and sufficiently waxed with Wax, well rozin'd, and the Stitches hard drawn with Hand-Leathers.

V. The Justices of each County Court shall appoint and swear, Yearly, one or more of the most honest and skilful Men in the County, to search, as often as they think fit, or need shall be, within their several Precincts: Which Searchers shall have a seal, (to be kept by one of them) with which they shall seal such Leather only as they find sufficient; and if any of them

Ann. 1691 them find any Leather sold, or offered to be sold,
Cap. 12. which shall be wrought or uted contrary to the Intent
Pag. 96. of this Act, or any Leather insufficiently curried, or
 any Boots, Shoes, Bridles, or other Thing made of
 Leather, insufficiently tanned, curried, or wrought, such
 Searcher may seize and retain all such Leather or
 Wares made of Leather, till the same shall be tried
 by Triers, in Manner hereafter directed.

VI. The Justices of each County, upon Notice of
 any such Seizure, shall appoint Six honest and expert
 Men, to try whether the Leather or Wares so seized,
 be sufficient, according to the Intent of this Act;
 which Trial shall be openly made upon the next
 Court Day after such Seizure.

VII. Each of the Triers so appointed, shall proceed
 and do his Duty therein, without Delay; on Penalty of
 being fined, at the Discretion of the County Court.

VIII. Every Searcher refusing, with convenient Speed,
 to seal any Leather sufficiently tanned, wrought, or u-
 sed, shall forfeit, for every such Offence, Forty Shil-
 lings: And every such Searcher receiving any Bribe,
 or exacting any other Fee for Execution of his Office,
 than allowed by this Act, shall forfeit, for every such
 Offence, Twenty Pounds *Sterling*: And every Person
 † *Pag. 97.* duly elected, and † refusing to take upon him the said
 Office of Searcher, shall forfeit Five Pounds *Sterling*.

IX. Every Person wilfully denying and withstand-
 ing the Triers and Searchers appointed, as aforesaid,
 to enter his House, or other Place, to view and search
 all Leather, and Wares made of Leather, and to carry
 away all such as they shall find insufficiently wrought,
 according to the Intent of this Act, shall forfeit, for
 every time so denying, and withstanding, Five Pounds
Sterling.

X. No Person shall buy, sell, or exchange any tan-
 ned Leather, not searched, or sealed; on pain to for-
 feit the same, and the Value thereof.

XI. Every Currier currying any Leather insufficient-
 ly tanned, or not sufficiently currying the same, and every
 Shoemaker, Cordwainer, and Cobler, making any Wares
 of Leather not well tanned, where the same is only
 tanned, or making any Wares of curried Leather, not
 sufficiently tanned and curried, and sealed, as aforesaid;
 and every Shoemaker, Saddler, or other Artificer, using,
 cutting, or working Leather, and making Wares of
 any tanned Leather insufficiently tanned, or of tanned
 and

and curried Leather, not sufficiently tanned and curried *Ann. 1691*
as aforesaid, or not making their Wares, belonging to their *Cap. 12.*
several Occupations, sufficiently and substantially, and *Pag. 97.*
according to the Directions of this Act, shall respectively
forfeit, for every such several Offence or Default, the
said Wares, and the just Value thereof. All the Money-
Forfeitures to be divided into Three Parts, one Part to
their Majesties, &c. towards Support of this Government;
another Third to him that first sues for the same, in
any Court of Record, by Action of Debt, Bill, Complaint,
Information, or otherwise; no Effoin, Protection, or
Wager of Law to be allowed; and the other third Part to
be disposed of by the County Court, towards building and
supporting an House * of Correction. And all Leather * *Pag. 98.*
and Leather Wares, seized by Virtue of this Act, and
found insufficient by the Triers appointed as aforesaid,
shall be appraised at the Court-house of the County, by
indifferent Persons, and the Value thereof divided into
Three Parts, whereof one to be to their Majesties, &c. to-
wards Support of this Government, another Third to the
first Seizer thereof, and the other Part to be disposed of
by the County Court, towards building and supporting an
House of Correction.

XII. The Hides and Skins of Ox, Steer, Bull, Cow,
Calf, Deer, Goat, and Sheep, being tanned, shall be
reputed Leather.

TAR and HEMP.

§ 1. 8 Geo. 1. **T**WELVE Hundred Pounds Current *Ann. 1722*
cap. 1. Money shall be appropriated and *Cap. 1.*
paid to Persons making and exporting good and merchant- *Pag. 318.*
able Tar, made from green Trees, prepared after the fol-
lowing Manner: That when such Trees were fit to bark,
the Bark thereof * was stripped Eight Foot, or there- * *Pa. 319.*
abouts, up from the Root of each Tree, a Slip of the
Bark, of about Four Inches in Breadth, having been left
on one Side of each Tree; and that each Tree, after
having been so barked had stood one Year at the least,
and was not before that Time cut down for the making
of Tar. And the further Sum of Four Thousand Pounds
Current Money shall be likewise appropriated and paid
to Persons making Hemp, Water-rotted, bright and
clean. The said several Sums to be given as a Reward,
for making and exporting Tar, and making Hemp ac-
cording to the Rates following, viz. For every Barrel of
Tar

Ann. 1722 Tar so made as aforelaid, Two Shillings: And for every
Cap. 1. gross Hundred of Hemp, Water-rotted, bright and clean,
Pag. 319 Four Shillings. See *Treasurer.* Sect. 7 & 8.

II. Every Maker of such Tar claiming the said Reward, before he is intitled to receive the same, shall deliver a Note, in Writing, of the Mark and Number of each Barrel of Tar, so made; and shall make Oath before some Justice of the County, that the same is good and merchantable, and according to the Directions of this Act, and that each Barrel thereof is of the full Gage, and doth contain Thirty Two Gallons of nett Tar, and that it was made on his Land or Plantation in the said County, or at what Place therein, and shall particularly describe the same; and obtain a Certificate thereof from such Justice.

III. Every Person exporting such Tar, before the same is exported, shall produce such Certificate to the Collector of the Customs, or Naval Officer, of the District where such Tar shall be brought for Exportation; and shall then make Oath, That the Tar offered by him to be exported, is the same mentioned in such Certificate. And the said Collector, or Naval Officer, shall certify the same to the Governor, or Commander in Chief; who, on producing such Certificate, may issue his Warrant to the Treasurer, to pay the Sum due, by Virtue of this Act.

IV. The Sheriff, or Under-Sheriff, of every County where any Hemp shall be made, being first duly sworn before the County Court, so to do, shall truly weigh all Hemp made within his County, and certify to the said Court, the true Quantity thereof, with the Names of the Makers or Owners; and shall, at the Time of weighing every Person's Hemp, give a Certificate to the Owner, of the Quantity by him then weighed, and that it then was Water-rotted, bright, and clean; and for such his Trouble, shall receive from the Maker, or Owner, of such Hemp, Five Shillings per Ton, and so in Proportion for a larger or less Quantity. See Sect. 8.

V. The Maker, or Owner, of any such Hemp, before he is entitled to the Reward by Virtue of this Act, shall make Oath before the Court of the County where such Hemp was made, of the true Quantity by him made, and that such Hemp is * Water-rotted, bright, and clean, and was made since the Commencement of this Act, upon his Plantation in such County, or on what Plantation the same was made; and that the same hath been weighed by the Sheriff or Under-Sheriff of the said County, and that

* *Pa.* 320.

that he hath not theretofore received any Certificate for *Ann. 1722*
the same, or any Part thereof; And the Clerk of the said *Cap. 1.*
County shall certify the same, and the true Quantity *Pag. 320.*
thereof: And, upon producing such Certificate to the
Governor, or Commander in Chief, he may issue his
Warrant to the Treasurer, to pay the Sum due, by Vir-
tue of this Act.

VI. Every Person lawfully convicted of making a false
Oath, in obtaining any Certificate, to entitle him to the
Reward hereby given, shall forfeit Four Times the Mo-
ney obtained for the County by Means of such false Oath;
to be recovered with Costs, in any Court of Record, by
Action of Debt, Bill, Plaint, or Information, by the
Person who shall inform and sue for the same.

VII. This Act to commence the Twenty Fourth of
June next.

VIII. 3 & 4 *Geo. 2. cap. 16.* * Any Justice of the *Ann. 1730*
Peace, or Constable of any County where any Hemp shall *Cap. 16.*
be made, upon Request of the Maker, or Owner, may, *Pag. 457.*
and shall, truly weigh all such Hemp to him offered and **P. 458.*
desired to be weighed as aforesaid; and shall receive the
same Reward for his Trouble, and give such Certificate
to the Owner thereof, as directed by 8 *Geo. 1. cap. 1.*
See Sect. 4. And shall duly certify to the County Court,
the Quantity of Hemp by him as aforesaid weighed, with
the Names of the Makers, or Owners thereof. And he,
she, or they, making such Oath as by the said Act is re-
quired, (*See Sect. 5.*) and that the Hemp mentioned in
such Certificate hath been weighed by some Justice or
Constable of the County where the same was made; the
Clerk of the said County shall certify the same, and the
true Quantity thereof. And, upon producing such Cer-
tificate to the Governor, or Commander in Chief, the
Maker thereof shall be entitled to receive the Bounty in
the said Act mentioned, in the same Manner as if the same
had been weighed by the Sheriff, or Under-Sheriff of the
County, according to the Directions of the said Act.

TITHABLES.

§ I. 4 *Ann.* **A**LL Male Persons of the Age of Sixteen *Ann. 1705*
cap. 7 Years, and upwards, and all Negro, *Cap. 7.*
Mulatto, and Indian Women of the same Age, not be- *Pag. 139.*
ing free, shall be tithable, or chargeable for defraying
the Public, County, and Parish Charges, in this Colony;

Ann. 1705 except such only as the County Court and Vestry, *Cap.* 7. for charitable Reasons appearing to them, shall excuse.

Pag. 139. II. The Owner or Purchaser of every Child, being a Servant, and the Parent or Importer of every Child being free, at the first, second, or $\frac{1}{3}$ third Court held for the County where such Child shall be, after his Arrival in this Country, shall bring such Child before such County Court, to have its Age adjudg'd; otherwise such Child shall be accounted, and immediately thereafter become tithable, as aforesaid, tho' not of the Age of Sixteen: And the Age of such Child being adjudged by the Court, shall be entred upon the Records of the said Court, and be accounted for the true Age of such Child, in order to its becoming tithable, within the Meaning of this Act.

$\frac{1}{3}$ *P.* 140.

III. The Court of each County, shall divide the same into convenient Precincts, and annually appoint one of the Justices for each of the said Precincts, to take a List of the Tithables; which Justice, in convenient Time, before the Tenth Day of *June* following, shall give Notice of his being appointed thereto, and of the Place he designs to take the same at, by setting up a Note thereof, at the Church or Chapel Door of the Precinct he is appointed for, and shall attend the same on the said Tenth Day of *June*, if not *Sunday*, and then on the Day following; and in *August* Court, then following, shall deliver the List so by him taken, together with the Subscriptions of the Tithables, to the Clerk of the County Court, who shall, the next Court Day, set fair Lists thereof, up in the Court-house, there to remain during the Court's sitting, for the Inspection of all that please, and the Discovery of such as shall be concealed.

IV. Every Master or Mistress of a Family, or in his or her Absence, or Non-residence, his or her Attorney or Overseer, shall, on the said Tenth Day of *June*, by a List under his or her Hand, deliver or cause to be delivered to the Justice appointed to take the same, the Names and Number of all the tithable Persons in or belonging to his or her Family, the Ninth of *June*; or the Master or Owner thereof, shall be adjudged a Concealer; and for every tithable Person so concealed, shall forfeit One Thousand Pounds of Tobacco to the Informer: To be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record; no Effoin, Protection, or Wager of Law to be allowed;

allowed: And if any Justice appointed to take the List of Tithables, shall not truly enter and list the Names and Number of his own Tithables in that District, he shall be adjudged a Concealer, and be liable to the Forfeiture aforesaid. Ann. 1705
Cap. 7.
Pag. 140.

V. *Provided*, If any Master, Mistress, or Overseer of a Family, shall, by Sickness, Absence, Ignorance of the Person, or Place, or other Accident, omit to carry or send his or her List of Tithables the said appointed Tenth Day of *June*, to the Place and Justice appointed, such Person so failing, and sending his or her List to the said Justice's House, between the said Tenth of *June*, and the last Day of the same Month, * shall be acquit and free from the Penalty and Prosecution, aforesaid. *Pa. 141.

VI. *Provided also*, Nothing herein shall extend to the Governor or Commander in Chief, of this Colony, and his Family, or to the Person of any beneficed Minister, so as to charge any of them as Tithables, within the Meaning of this Act.

VII. All Acts &c. relating to any Matter within the Purview of this Act, repealed.

T O B A C C O.

§ 1. 20 *Car. 2.* **W** H E R E A S some Questions have been made, Whether Weighing or Marking, or both, transferred the Property of Tobacco, some Persons having, both by Weight and Mark, received, and yet by the Alteration of their own Occasions, have after refused the Tobacco so received; and upon Pretence of Non-acceptance, (having the Specialty still in their Hands) have recovered Judgment for Sums that justly were discharged: *Enacted therefore*, That Marking alone, being the usual way of Appropriating all Things, without Weighing, doth transfer the Property of Tobacco * to him that sets, or causes to be set his Mark upon it: And that for ascertaining the Sum paid, if the Receiver have not Convenience to weigh it when he marks it, then he that pays it away, may, after Ten Days Respite, desire any Commissioner of that County to weigh the Tobacco, or cause it to be weighed; and the Attestation of the said Commissioner, or Oath of the Person or Persons by him deputed, shall oblige the Creditor to discount or allow the Quantity. Ann. 1668
Cap. 8.
Pag. 48.
*Pa. 49.

Ann. 1705 II. 4 *Annæ, cap. 5.* * All Tobacco imported from *Cap. 5. Carolina*, or other Parts, without the *Capes*, to be here
**Pag. 136* laid ashore, sold, or shipped, shall be forfeited, one Moiety to the Queen, &c. towards Support of this Government, and the other to him, her, or them, that will inform, or sue for the same, in any Court of Record, by Action of Debt, Bill, Complaint, or Information; no Effoin, Protection, or Wager of Law, allowed.

III. *Provided*, The Inhabitants of this Colony, Merchants or others, may, notwithstanding, bring their Tobacco, of the Growth of this Colony, round the *Capes*, for the Purposes aforesaid.

IV. *Provided nevertheless*, That before such Tobacco shall be put on Board any Vessel, to be brought round the *Capes*, as aforesaid, the Owner thereof, by his own Oath, at least, shall make it appear to the Collector of the Two Shillings *per* Hoghead, for the District where such Tobacco is to be taken in, that the said Tobacco is all of the Growth of this Colony; and shall obtain his Certificate or Permit, concerning the same: And all Tobacco, tho' of the Growth of this Colony, brought round the *Capes*, without such Certificate, or Permit, shall be forfeited, and divided, as in *Seçt. 2.*

V. All Acts, &c. relating to importing Tobacco from *Carolina*, and other Parts without the *Capes*, repealed.

Ann. 1705 VI. 4 *Ann. cap. 46.* Whosoever shall tend, or cause
Cap. 46. or suffer to be tended, any Seconds, for Tobacco, shall
Pag. 210 forfeit Five Hundred Pounds of Tobacco, for * every
**Pa. 211.* tithable Person he shall have or employ that Year upon the Plantation where the Seconds shall grow.
 (See *Seçt. 29.*)

VII. *Provided*, Where any Person shall entrust his or her Plantation, and the Servants and Slaves thereon, to the Management of an Overseer, being a free Man, the Owner of such Plantation, Servants and Slaves shall not be liable, but such Overseer tending or suffering to be tended any Seconds, shall incur the said Penalty of Five Hundred Pounds of Tobacco, for every tithable Person employed that Year, upon the Plantation under his Charge, where such Seconds shall grow.
 (See *Seçt. 31.*)

VIII. Every Person paying away, or putting to Sale, or offering to pay away or put to Sale, any Hoghead of Tobacco deceitfully packed, by putting therein any Stones, or intermingling therewith any Dirt, Sand,
 Tobacco.

Tobacco-Stalks, Stems, Seconds, Ground-leaves, or other Trash whatsoever, shall forfeit, for every such Hoghead, One Thousand Pounds of Tobacco. Ann. 1725
Cap. 46.
Pag. 211

IX. When any Complaint, Information, or Suit shall be made or brought, in any Court, concerning such false Packing, such Court shall forthwith appoint Two or Three reputed skilful Planters to search and view the said Hoghead of Tobacco, and to make Report, upon Oath, to the Court, how they find the same, and whether, in their Opinion, it be fairly packed without Deceit, and equally good throughout, as it appears at the Head; and their Report shall be admitted as good Evidence at the Trial.

X. *Provided*, Five Pounds Weight, and no more, be allowed in One Hoghead, for Sand, Dust, and mean Tobacco, that is, such Tobacco as is not passable by itself without better joined with it.

XI. If any Creditor omits to demand or receive a Tobacco Debt, by the last Day of *January*, the Debtor, at any Time in *February*, may apply himself to Two Justices of the County, to make a Tender of the Tobacco he owes, according to the Tenor of the Specialty or Bargain by which it appears due; which Justices shall appoint, without Delay, Three honest and able Men of the Neighbourhood, on their Oaths, to view the Tobacco; and if they find it merchantable, and packed fairly, they shall weigh and mark the same, for the Use of the Creditor, on whose Account and Hazard, it shall thereafter lie: And upon producing Certificate from the said Justices, of the said Tender, to the next County Court, and that the Tobacco is found good and fairly packed, the said Court may and shall discharge the Debtor from his said Debt.

* XII. *Provided*, The said Tender was made in Place according to Specialty: And, provided the said Debtor still endeavours to secure and preserve the said Tobacco, as before the Tender, and as it were still his own. * Pag. 212

XIII. The Debtor making Tender as aforesaid, shall defray the Charge accruing thereby: And each Viewer shall be allowed Twenty Pounds of Tobacco *per* Day.

XIV. Every Tobacco Hoghead, in which Tobacco shall be packed, paid away, or put to Sale, shall be made of dry and well seasoned Timber, which hath been hewed Three Months at least before setting up, and shall be set up in strong and substantial Hoops,
the

Ann. 1705 the Stave shall be in Length Forty Eight Inches,
Cap. 46. and no more, and at least One Third of an Inch in
Page 212. Thickness on the Thinnest Edge thereof, the Size of
 the Head on the Inside shall be Thirty Inches in Dia-
 meter, and no more.

XV. Every Cooper, or other Person intending to set up Tobacco Hogsheads, shall go before a Justice of the County where he dwells, and make Oath, That he will not, wittingly or willingly, set up any Tobacco Hogsheads of a larger Size than is herein directed: and also to tare, or cause to be tared, with a Marking-Iron, or Branding-Iron, every Tobacco Hoghead that by him shall be set up, with the true Weight thereof, on the Bulge and Head of the Hoghead; together with the first Letter of his proper Name and Sir-Name: And shall take a Certificate from the said Justice of such Oath so made. And if any Person shall employ any Negro, Mulatto, or other Servant, in making Tobacco Hogsheads, such Emploier shall go before a Justice of the County, and make Oath, That he or she so employing the said Negro, Mulatto, or other Servant, shall not, wittingly or willingly, suffer or permit any Tobacco Hogsheads to be set up for them, of a larger Size than is herein directed; but shall use their utmost Endeavours to prevent the same: And also, that what Hogsheads, by such Negro, Mulatto, or other Servant, shall be made or set up for him or her, shall be tared, and the Two first Letters of his or her proper Name and Sir-Name set thereon, in Manner aforesaid: And shall also take a Certificate from the said Justice of such Oath made.

XVI. If any Cooper or other Person sets up Tobacco Cask contrary to this Act, or pays away, puts to Sale, or puts or causes to be put on board any Boat or other Vessel, in order for Exportation, any Tobacco whatsoever, packed in Cask of a greater Size than before mentioned, or of Timber less seasoned, or thinner Staves, than as aforesaid, or not tared with the just Weight, as before enjoined; or shall tare any Hoghead before Oath made, and a Certificate obtained, as aforesaid, such Cooper, or other Person, if free, and if not, the Emploier shall, for every Tobacco Hoghead so made, paid away, put to Sale, or shipped, forfeit Five Hundred Pounds of Tobacco; One Moiety of all the Forfeitures in this Act beforementioned, to the

* *Page* 213 Queen, &c. * towards Support of this Government, the
 other

other to him that will sue for the same: To be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record; no Effoin, Protection, or Wager of Law, allowed. *Ann. 1705*
Cap. 46.
Pag. 213.

XVII. *Provided*, Every Justice, before whom Complaint of the Breach of this Act shall be brought, may consider what any Tobacco Hogshead, after it hath lain some Time packed, may, by the Moisture of the Tobacco, or Weather, increase in Weight; and give Judgment accordingly.

XVIII. The Buyer or Receiver of Tobacco in Cask, shall receive and take the same at the Tare thereon set, and allow Thirty Pounds of Tobacco for each Hogshead, notwithstanding any Bill, Bond, Contract, expressing the same to be paid with Cask, on Penalty of One Hundred and Fifty Pounds of Tobacco to the Informer; recoverable with Costs, before any Justice of the County.

XIX. *Provided*, This shall not extend to Contracts, Grants, Rents, or Reservations of Cask, with the Tobacco, upon Leases for Lands; but Cask may be demanded, sued for, and recovered, in such Cases.

XX. *Provided also*, That any Person may, notwithstanding, ship his or her own Tobacco in Hogsheads of a lawful Size, tho' not tared, nor any Oath made there-to, as aforesaid, so as such Tobacco is not directly or indirectly exposed to Sale in the Country.

XXI. *Provided*, The Sheriffs and Collectors of public Dues, shall allow, for all public Tobacco paid in Hogsheads, to the Payer thereof, Eight *per Cent.* for Cask, instead of the Thirty Pounds of Tobacco *per* Hogshead.

XXII. All Acts, &c. for so much as relates to improving the Staple of Tobacco, and regulating the Size and Tare of Tobacco Hogsheads, repealed.

Note, This Act was confirmed by the Queen in Council, *Anno 1707.*

XXIII. 9 *Annæ, cap. 8.* Every Master of a Vessel arriving in this Colony, before he is admitted to enter, trade, and load Tobacco, shall give Bond to her Majesty, &c. in the Sum of Two Hundred Pounds Sterling, with Condition that he will not crop, cut away the Bulge, draw the Staves, or otherwise abuse, or cause or suffer to be cropt, cut, drawn, or otherwise injured and abused, by his Knowledge, Privy, or Procurement, any Tobacco Cask freighted on board the said Vessel, *Ann. 1710*
Cap. 8.
Pag. 246.

Ann. 1710 unless it be so agreed upon, between the Freighters and
Cap. 8. the said Master ; and make Oath accordingly : Which
Pag. 246. Bond and Oath, the Naval Officer shall take and administer. And any Naval Officer granting a Permit to load Tobacco, before the Master of the Vessel desiring the same shall have given Bond, and made Oath, as aforesaid, shall forfeit Two Hundred Pounds *Sterling* ; one Half to the Queen, &c. towards Support of this Government, the other to the Informer ; to be recovered, with Costs, by Action of Debt, Bill, Complaint, or Information, in any Court of Record ; no Effoin, Protection, or Wager of Law, allowed.

XXIV. If any other Officer, or Mariner, belonging to any Vessel on Freight, shall crop, cut away the Bulge, draw the Staves, or otherwise abuse, or be aiding or assisting, in cropping, cutting away the Bulge, drawing the Staves, or other abusing of any Cask, wherein Tobacco is freighted by any Person here, unless in such Cases as aforesaid, where it is so agreed between the Master and Freighters, every Person so offending, shall forfeit Five Pounds *Sterling*, to the Informer ; to be recovered, with Costs, in any Court of Record, by Action of Debt, Bill, Complaint, or Information ; no Effoin, Protection, or Wager of Law to be allowed, and may be held to special Bail : Which Fact may be laid to be done in any County where the Offender shall be arrested, without Liberty of Traverse ; and if there be more Actors in the same Fact than One, each Party shall be adjudged to the whole * Fine separately ; and the Master shall moreover be liable to answer Damage to the Party grieved.

* *Pa.* 247.

XXV. The Summoning any Mariner as a Witness, in a Prosecution upon this Act, shall *ipso facto* discharge him of any Accusation thereafter to be made, for any Thing discovered on such Prosecution, and qualify him to give Evidence in the Cause ; and if a Mariner, faulty in the Premises, becomes the Informer, that shall also excuse him from the said Fine of Five Pounds, for the Fact whereof he is Informer.

XXVI. The Collector or Naval Officer, within whose District any Vessel shall lie, or any Searcher, or any Person having Tobacco on board, may go on board any such Vessel, during the Time of her loading, and search whether any Breach has been committed against this Act : And every Master, Officer, or other Mariner, hindering any such Search from being made, shall,
 for

for every such Offence, forfeit Ten Pounds *Sterling*; *Ann. 1710*
to be divided and recovered, as in Sect. 23. *Cap. 8.*

XXVII. This Act to continue in Force till the Twenty *Pag. 247.*
Fifth of *December*, One Thousand Seven Hundred and
Thirteen, and thence to the End of the next Session of
Assembly.

XXVIII. 1 *Geo. 1. cap. 5.* † The Act 9 *Ann. cap. 8.* *Ann. 1714*
with all Clauses, Powers, Matters, and Things there- *Cap. 5.*
in contained, shall be and continue in Force, and is † *Pa. 302.*
hereby made perpetual.

XXIX. 7 *Geo. 1. cap. 5.* Whosoever shall weed, top, *Ann. 1720*
hill, succour, house, cure, strip, or pack, any Seconds, *Cap. 5.*
Suckers, or Slips of Tobacco, or cause or suffer the same *Pag. 311.*
to be done on or upon any Plantation, shall, for every
such Offence, forfeit and pay, over and above the Pe-
nalties laid on such Persons who shall tend or suffer to
be tended any Seconds, the further Sum of Five Hun-
dred Pounds of Tobacco for every Person employed
on any such Plantation where such Seconds, Suckers,
or Slips shall grow. (*See Sect. 6.*)

XXX. The Master or Owner of every Plantation,
(whereon any Tobacco shall be tended) shall cut up and
destroy, or cause to be cut up and destroyed, all Stalks,
Roots, and Suckers, from which any Plant shall be cut,
yearly, within Twenty Days after cutting off the said
Plant or Plants ; or such Master or Owner neglecting or
refusing so to do, shall forfeit Two Hundred Pounds of
Tobacco, for every Person above the Age of Seventeen
Years, dwelling, residing, or working on any such Plan-
tation, in every of the said Years when such Offence
shall be committed.

XXXI. *Provided*, Where any Person shall intrust
his or her Plantation, and the Servants and Slaves there-
on, to the Managment of an Overseer, being a free Man,
the Owner of such Plantation, Servants and Slaves, shall
not be liable ; but such Overseer who shall weed, top,
hill, sucker, house, cure, strip, or pack any Seconds,
Suckers, or Slips of Tobacco, or cause or suffer the same
to be done, or who shall neglect to cut up and destroy
all Stalks, as in Sect. 30, shall incur the several Penal-
ties by this Act inflicted, Sect. 29. 30. (*See Sect. 7.*)

XXXII. One Moiety of the several Forfeitures in this
Act beforementioned, shall be to the King, &c. to-
wards Support of this Government, and the other to
him or them that will sue or inform for the same ; to
be recovered, with Costs, by Action of Debt, Bill, Plaint,

Ann. 1720 or Information, in any Court of Record ; no † Effoin,
Cap. 5. Protection, or Wager of Law to be allowed, or more
 † *Pa.* 312. than one Imparlance.

XXXIII. This Act shall be Twice every Year publicly read, in *June* and *July*, by the Sheriff or his Deputy, at the Court-house of each County, under the Penalty of Five Hundred Pounds of Tobacco, for every Omission ; to be recovered and disposed of, as in Sect. 32.

Ann. 1726 XXXIV. 12 *Geo.* 1. *cap.* 6. Every Person bringing into this Colony any Hogshead, Barrel, or other
Cap. 6. Parcel of Tobacco, from *North-Carolina*, or any Place within that Tract, commonly known by the Name of the controverted Bounds, by Land or Water, or selling, buying, or receiving any such Tobacco, knowing the same to be brought from thence, shall, for every such Hogshead, Barrel, or other Parcel, so brought in, sold, bought, or received, forfeit Ten Pounds, Current Money ; One Half to the King, &c. towards Support of this Government, the other to the Informer : To be recovered, with Costs, in any Court of Record, by Bill, Complaint, or Information. (See Sect. 2.)

XXXV. When, contrary to this, or any other Act of Assembly, any Tobacco shall be imported into this Colony, the Sheriff or any Constable of such County where such Tobacco shall be, may seize the same : And after such Seizure, upon Information made to the County Court by the Officer, such Court shall order such Tobacco to be sold publicly ; and the One Half of the Money accruing on such Sale, after all Charges deducted, shall be to the King, for the Use aforesaid, and the other to the Officer making the Seizure.

XXXVI. *Provided*, After Settlement of the Boundaries between this Colony and *North-Carolina*, so much of this Act as extends to Tobacco made by the Inhabitants of that Part of the controverted Lands, which then shall be found to lie within the Limits of this Colony, shall cease, determine, and be utterly void.

Ann. 1730 XXXVII. 3 & 4 *Geo.* 2. *cap.* 1. The Act 1 *Geo.* 2.
Cap. 1. *cap.* 4. repealed.

Pag. 417. XXXVIII. Every Constable, shall, Yearly, between the last Day of *July* and the Tenth Day of *August*, and between the Twentieth of *August* and Tenth of *September*, and at such other Times as he shall think fit, repair to the several Fields and Places whereon Tobacco shall be planted or tended, within his Precinct, and diligently view the same, to discover whether any Slips or
 Suckers

Suckers shall be turned out or tended from the Stalks ^{Inn. 1730} from which any Tobacco Plant hath been before cut, ^{Cap. 1.} above the Height of Nine Inches from the Ground. And ^{Pag. 418.} if any Constable shall find any such Slips or Succours growing, and the Owner or Overseer of such Plantation, being required, shall refuse or fail to cut up and destroy them, such Constable shall cut up and destroy the same, or cause the same to be done. And if any Owner or Overseer shall refuse to shew such Constable all such Fields and Places on his or her Plantation where Tobacco hath been planted or tended that Year, such Owner, or Overseer, shall forfeit Five Hundred Pounds of Tobacco, for every Person employed in making Tobacco on his or her Plantation that Year. And if any Constable shall turn out or tend any such Slips or Suckers on his Plantation, or shall neglect to cut up or destroy the same, such Constable shall forfeit Five Hundred Pounds of Tobacco for every Person employed in making Tobacco on such Plantation that Year.

XXXIX. Every Constable shall take an Oath before some Justice of the County in the Words following :

I A. B. do swear, That I will dilligently and carefully view the severall Fields and Places whereon Tobacco shall be planted or tended, within the Precincts whereof I am Constable ; and will cut up and destroy, or cause to be cut up and destroyed, all Stalks, from which any Tobacco-plant shall be cut or taken, and all Slips or Suckers growing from or out of the same, which I shall find standing or growing in any of the Fields or Places aforesaid, above the Height of Nine Inches from the Ground : And that I will make Information of all Persons within my Precinct, whom I shall know to be guilty of the Breach of any Law of this Colony, made against the Tending of Slips or Seconds, to the next Court held for my County, after the same shall come to my Knowledge. So help me God.

XL. Every Constable failing or refusing to take such Oath, or knowingly allowing any Person, within his Precinct, to tend any Seconds, Slips, or Suckers, shall forfeit One Thousand Pounds of Tobacco.

XLI. There shall be levied on every Tithable, in each County, One Pound of Tobacco, to be distributed to the respective Constables, in Proportion to the Number of Tithables in their respective Precincts ; to be levied by the County Court, and paid to such Constables, by the

Ann. 1730 the Collector of the County Levy: And for every Hundred of Tobacco - Stalks, having any Sucker or Slip growing thereon, of the Height of Nine Inches from the Ground, which any Constable shall cut up and destroy, there shall be paid to such Constable, by the Owner of such Tobacco - Stalks, or his or her Overseer, Twenty Pounds of Tobacco; and so proportionably for a lesser Quantity; to be recovered, with Costs, before any Justice of the County.

† *Pa.* 419. XLII. † Every County Court, upon the Information of any Constable, against any Person, for Breach of this, or any other Act against Tending of Seconds, shall order the Attorney appointed to prosecute in such Court for his Majesty, to bring Suit against such Person, for the respective Forfeitures thereby incurred.

XLIII. The Forfeitures herein beforementioned, not otherwise appropriated, shall be One Half to the King, for the Use of the Parish where such Offence shall be committed, the other to the Person who shall inform or sue for the same; and may be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information; except the Forfeiture herein mentioned, cognizable before a Justice.

Ann. 1730
Cap. 3.
Pag. 421.

XLIV. 3 & 4 *Geo.* 2. *cap.* 3. All Tobacco which after the First of *August* 1731, shall be exported, shall be first brought to some public Warehouse, and there viewed and inspected by Persons thereunto appointed, as hereafter mentioned.

XLV. No Person shall put on board, or receive into any Vessel to be exported therein, any Tobacco not packed in Hogsheads, Casks, or Cases, on any Pretence; nor in any Hoghead, Cask, or Case to be in that or any other Vessel exported, before the same shall be viewed and inspected: But all Tobacco to be taken on board, or carried or put on board any Vessel for Exportation, shall be taken on board at the several Warehouses hereafter mentioned, and no other Place. And every Master, Mate, and Boatswain, arriving here to lade Tobacco, during the Continuance of this Act, shall, before the said Vessel be permitted to take on board any Tobacco, make Oath before the Naval Officer of the District where such Vessel shall arrive, (which Oath such Naval Officer shall administer,) that they will not permit any Tobacco whatsoever to be taken on board their respective Vessels, except the same be packed in Hogsheads, Casks, or Cases, stamp'd by some Inspector. And if any Master, or Commander of any Vessel shall take, or suffer to be taken

on board his Vessel any Tobacco brought from any other Place than the Public Warehouses hereafter mentioned, or any Hoghead, Case, or Cask of Tobacco, not stamped by some lawful Inspector, or shall suffer to be brought on board any Tobacco whatsoever, except in Hogheads, Casks, or Cases, stamped as aforesaid, such Master and Commander shall forfeit Twenty Pounds * for every Hoghead, Cask, or Case of Tobacco, not brought from some Public Warehouse, or not stamped, as aforesaid. And every such Hoghead, Cask, Box, Chest, Case, or other Package or Parcel of Tobacco taken on board any Vessel, shall be forfeited. *See Sect. 96.*

XLVI. Any Person taking upon him to carry Tobacco to or from any of the said Warehouses in any Vessel for Hire, and taking, or suffering to be taken on board, any Tobacco in Bulk or Parcels, such Tobacco shall be forfeited, and may be seized by any Person; and such Master or Skipper shall forfeit treble the Value of the Tobacco so found on board in Bulk or Parcels: To be recovered before any Justice of the *Quorum* in the County where such Vessel shall be at the Time of such Seizure. And every Servant, Slave, or other Person, employed in navigating such Vessel, conniving at, or concealing the taking on board any such Bulk or Parcel of Tobacco, shall, by Order of such Justice, receive on the bare Back Thirty Nine Lashes well laid on. And if such Vessel be under the Management or Care of a Servant, who cannot pay the treble Value of the Bulk-Tobacco found therein, such Servant, and every other Person employed under him in navigating the said Vessel, and who shall connive at, or conceal the taking on board such Bulk-Tobacco, shall, upon Complaint made to any Justice, receive, by his Order, Thirty Nine Lashes well laid on. And if such Servant shall be again trusted with the Care and Management of any Vessel, and be convicted a second Time of taking on board the same, any Bulk-Tobacco, the Person who entrusted such Servant with the Management of such Vessel, shall forfeit treble the Value of the Tobacco so taken on board in Bulk; and Five Shillings for every Day he shall thereafter employ such Servant as Skipper or Master of any Vessel to him belonging: To be recovered before any Justice of the *Quorum* in the County where such Employer resides; which said several Forfeitures to be to the Use of the Informer. *See Sect. 97.*

XLVII. *Provided*, Nothing herein shall be construed to prohibit any Person to put or take on board any Vessel,
any

Ann. 1730 any Hogshead, Cask, or Case of Tobacco, to be Water-born
Cap. 3. to any Public Warehouse, nor the Owner of any Tobacco
Pag. 422. co, to transport his Crops or any Part thereof, from one
 Plantation to another, for better managing thereof, nor
 any Purchaser of Tobacco from bringing the same by
 * *Pa.* 423. * Water, to be repacked, sorted, stem'd, or priz'd, be-
 fore the same be carried to the said Warehouses; so as
 the said Tobacco be packed in Hogsheads, Casks, or
 Cases.

XLVIII. If the Skipper of any Vessel, or other Person to whom the Care and Management thereof shall be entrusted, shall land any Hogshead, Case, or Cask of Tobacco put on board the same, to be carried to any Public Warehouse, at any other Place, or put the same on board any other Vessel, or suffer the same to be done, so as the same be not delivered at some Public Warehouse, without Fraud or Imbezzlement; or shall open any Hogshead, Cask, or Case, so as aforesaid, Water-born or landed, and take thereout any Tobacco, before the same be viewed by the Inspectors, or after the same hath been viewed, shall fraudulently open any Hogshead, Cask, or Case, and take thereout any Tobacco, every such Offence shall be adjudged Felony, and the Offender or Offenders shall suffer as in Case of Felony.

XLIX. *Provided*, Nothing herein shall be construed to prohibit the Landing any Hogshead, Cask, or Case of Tobacco, out of any Vessel, by Distress of Weather, forced on Ground, or become leaky, so as such Landing be really, and *bona fide*, for Preservation of the Tobacco: And that the same be, with all convenient Speed, carried thereafter to the Warehouse or Ship (as the Case shall be) to which it was designed, without Imbezzlement.

L. *Provided nevertheless*, If by any of the Accidents aforesaid, or Negligence of the Master or Skipper of any Vessel, any Tobacco, viewed and stamped, shall, in its Carriage to the Ship in which it is to be exported, receive so much Damage that the Master of such Ship will not receive it on board, every Hogshead, Cask, or Case of Tobacco so damaged, shall, with all convenient Speed, be carried to some Public Warehouse, and there lodged, 'til the Owner of such Tobacco, or Master of the Vessel in which it was damaged, shall have separated the same, and repacked the good Tobacco; and then the same shall be viewed and stamped by the Inspectors attending such Warehouse, without Fee or Reward.

LI. All Tobacco brought to any Public Ware-house, *Ann. 1730*
 shall be viewed by Three fit and able Persons, reputed *Cap. 3.*
 skilful in Tobacco, to be appointed for that Purpose by *Pag. 423.*
 the Governor, or Commander in Chief, with Advice and
 Consent of the Council, who shall be called Inspectors;
 and shall break every Hogthead, Cask, or Case of To-
 bacco, and diligently view and examine the same: And
 if they, or any two of them, agree that the same is good,
 sound, well-conditioned, merchantable, and free from
 Trash, Sand, and Dirt; and, if in Leaf, tied up with
 a Leaf of equal Goodness, then such Tobacco shall be
 weighed * in Scales with Weights of the lawful Standard. * *Pa. 424.*
 And the said Inspectors, or one of them, shall stamp every
 such Hogthead, Cask, or Case, wherein is contained any To-
 bacco by them so as aforesaid weighed and allowed to be
 good, or shall cause the same to be done in the Presence
 of one of them, with the Name of the Warehouse at
 which the same shall be so stamped, and shall stamp
 thereon the Tare of the Hogthead, Cask, or Case, and
 Quantity of nett Tobacco therein contained. *See Sect.*
99. 100.

LII. If any Tobacco shall be brought to any of the
 said Warehouses for Discharge of any public or private
 Debt, the said Inspectors, or one of them, after viewing
 examining, and weighing the said Tobacco, as aforesaid,
 shall deliver to the Person bringing the same, as many
 Promisory-Notes under the Hands and Seals of the said
 Inspectors, (*See Sect. 102.*) or the Stamp of the Ware-
 house, as shall be required for the full Quantity of To-
 bacco received by them, expressing therein whether the
 Tobacco so received be Sweet-Scented, or Oronoko,
 Stem'd, or Leaf: Which Notes shall be Current in all
 Tobacco-Payments whatsoever, according to the Species
 expressed in the Note within the County where such In-
 spectors officiate, or in any other County next adjacent
 thereto, and not separated therefrom by any of the great
 Rivers or Bay herein aftermentioned, that is to say, *James*
River below the Mouth of Appamatox, York River
below West Point, Rappahanock River below Taliaferro's
Mount, or by the great Bay of Chesapeak, (See Sect.
127.) and shall be transferrable in all such Payments;
 and shall be paid by the Inspector or Inspectors who sign'd
 the same, upon Demand. And for every Hogthead of
 Tobacco brought to any Public Warehouse for Discharge
 of any public or private Debt, in good Cask, of the Di-
 mensions hereafter expressed, the Inspectors shall allow
 M m the

Ann. 1730 the Person bringing the same, Thirty Pounds of Tobacco
Cap. 3. for the Cask.

Pag. 424. LIII. And for every Hoghead of Tobacco by the Inspectors paid away, well lined and nailed fit for shipping, there shall be paid by the Person receiving such Hoghead, Five Shillings ; (so as such Hoghead does not contain less than Eight Hundred Pounds of nett Tobacco,) besides Thirty Pounds of Tobacco for the Cask : And the said Inspectors shall be further allowed Two Pounds of Tobacco for every Hundred Pounds so paid away, and proportionably for a lesser Quantity, for Shrinking and Wasting, if paid within Two Months after the Date of the Note given for the same ; and one Pound of Tobacco *per* Hundred for every Month after the said Two Months, so as such Allowance does not exceed in the whole, Six *per Cent.*

* *Pa* 425. LIV. The several Inspectors * shall be allowed in their Accounts all necessary Charges for providing printed Notes and Receipts.

LV. No Master of a Vessel shall carry to any Warehouse, or fetch from thence, or any other Place, in any Vessel to him belonging, or manned by his Sailors, any Tobacco to be shipp'd on Freight, on pain of forfeiting Ten Pounds for every Hoghead so carried, fetched, or put on board, to be recovered by Action of Debt, in any Court of Record, one Moiety to the King, &c. towards defraying the Expence of the Execution of this Act, the other to the Informer. But all Tobacco shall be put on board by, or at the Charge of the Owner, for which a Reward of Four Shillings *per* Hoghead shall be paid by the Master of such Vessel on which it is put on board. Repealed by *Seet.* 94. & 140.

LVI. *Provided*, Any Master of a Vessel may carry to, or fetch from any Warehouse, in any Vessel, provided by him, or any Factor or Super-Cargo intrusted with the Freight of his Vessel, and navigated by his Men, any Hoghead, Cask, or Case of Tobacco purchased by such Master, Factor, or Super-Cargo, for lading such Vessel, being duly viewed and stamped.

LVII. Any Inspector, or Inspectors, refusing or delaying to pay any Note by him or them signed, upon Demand, shall forfeit to the Party injured, double the Value of the Tobacco so refused or delayed to be paid : To be recovered with Costs, in any Court of Record. And if the Note or Notes, so refused or delayed to be paid, do not exceed Two Hundred Pounds of Tobacco, the
double

double Value may and shall be recovered before a Justice of the County wherein the Warehouse is, at which such Note or Notes ought to have been paid. *Ann. 1730*
Cap. 3.
Pag. 425.

LVIII. All Tobacco due for Public, County, or Parish Levies, Quit-Rents, Secretaries, Clerks, Sheriffs, Surveyors or Officers * Fees, shall be first inspected and paid * *Pa. 426.*
 at some Public Warehouse for the following Allowances.

For Tobacco due in *Goocbland, Brunswick*, and the Upper Parishes of *Hanover*, and *Spotsylvania*, the Person paying the same, may retain in own Hands, Thirty Pounds of Tobacco for every Hundred so paid.

In *Princess Anne*, Twenty Pounds of Tobacco.

In *Henrico, Caroline, Nansemond, Norfolk*, and the Lower Parishes of *Hanover* and *Spotsylvania*, Fourteen Pounds of Tobacco.

In *Prince George, Surrey, Isle of Wight*, and *Prince William*, Twenty Pounds of Tobacco.

In any other County, Ten Pounds of Tobacco. And proportionably for a less Quantity. *See Sect. 103.*

LIX. The Sheriff, or other Collector, shall be allowed by the Creditor, Four Pounds of Tobacco for every Hundred, paid by Inspectors Notes, for any Quit-Rents, Clerks, Sheriffs, Surveyors, or other Officers Fees, and so proportionably for a less Quantity.

LX. The several County Courts, and Vestries, during the Continuance of this Act, shall levy the several Allowances before-mentioned upon all Tobacco, by Law, or Contract, to be paid convenient, with Four *per Cent.* for collecting and paying the same in Inspectors Notes: And Four *per Cent.* for Cask, where any Tobacco ought by Law, to be paid with Cask.

LXI. The Sheriffs, and Collectors, shall pay the Levies, Quit-Rents, and Fees aforesaid, to the several Persons to whom the same shall be due, by the same Notes they receive.

LXII. All Public, County, and Parish Levies, Quit-Rents, Secretaries, Clerks, Sheriffs, Surveyors, and other Officers Fees payable in Tobacco, shall be paid by the Persons chargeable with the same to the Sheriffs, or other Collectors, by Inspectors Notes before the * Tenth of * *Pa. 427.*
April, Yearly. And if any Person chargeable therewith, shall neglect or refuse to pay the same within the Time aforesaid, the Sheriffs, or other Collectors, immediately after the said Tenth Day of *April*, may distrain the Goods and Chattels of such Person, and dispose thereof, for Tobacco, in the same Manner as directed by Law for

Ann. 1730. Goods taken in Execution ; and the Overplus, (if any)
Cap. 3. after paying the said Dues or Fees, and Charges of Distress,
Pa. 427. which is declared to be the same as for serving an Execution, shall be returned to the Debtor.

LXIII. *Provided*, Where any Goods or Chattels shall be distrained for Non-Payment of Quit-Rents, and shall not be redeemed by Payment of *Sterling* Money, or Bills of Exchange, the Sheriff shall sell the same for such *Sterling* Money or Bills, and account to the Creditor accordingly.

LXIV. Every Sheriff, or other Collector of the said Levies or Fees, shall, before the last Day of *April*, Yearly, pay to each Creditor, all the Inspectors Notes received in Satisfaction of his or her respective Claim : And every Sheriff, or other Collector, refusing or delaying to make Payment accordingly, if required, shall forfeit to the Party grieved, double the Value of the Tobacco so refused or delayed to be paid ; to be recovered with Costs, in any Court of Record.

LXV. During the Continuance of this Act, nothing shall be accounted a lawful Tender to discharge any Debt, Contract, or Duty, payable in Tobacco, unless Payment of the same be tender'd in Inspectors Notes.

LXVI. No Tobacco of the Growth of this Colony, shall be carried into *Maryland*, that hath not been first viewed, examined, and stamped, at some Publick Warehouse : And if any Person shall carry, or cause any such to be so carried, every Hoghead, Cask, Case, Parcel, or Package of such Tobacco, shall be forfeited, and may be seized by any Person discovering the same, to his or her proper Use ; and the Owner of such Tobacco shall forfeit Twenty Pounds Current Money for every such Hoghead, Cask, or Case of Tobacco : And for every Hundred Weight of such Tobacco so carried in Bulk, or Parcels, Forty Shillings of like Money. Both which Forfeitures may be recovered by any Person or Persons who will sue for the same, in any Court of Record : In which Actions and Suits, the Court, where the same depend, may issue a *Dedimus potestatem* to any Persons residing in *Maryland*, to take the Depositions of Witnesses in the said Province ; which Depositions so taken and returned, shall be allowed as good Evidence on the Trial : And if any Suit shall be commenced against any Person, for
**Pa.* 428. seizing any Tobacco *transported or intended to be transported to *Maryland*, contrary to this Act, the Defendant or Defendants may plead the General Issue, and
 give

give this Act and the special Matter in Evidence: And *Ann. 1730*
 if the Plaintiff or Plaintiffs be Non-tuit, suffer a Dis- *Cap. 3.*
 continuance, or a Verdict pass against him, her, or *Pag. 428.*
 them, the Defendant or Defendants shall recover double Costs.

LXVII. The Treasurer, out of the Public Money in his Hands, shall provide as many Scales, with Weights to weigh at least Twelve Hundred Pounds Nett for each Pair, as shall be wanting to supply each Public Warehouse with one Pair of Scales and Weights: And the Purchase thereof and necessary Charges thereon, shall be repaid to him out of the Money arising by Virtue of this Act. And for all Nails used by the Inspectors for nailing Tobacco to be shipped from thence, they shall be allowed in passing their Accounts.

LXVIII. All Tobacco brought to any Public Warehouse in Hogheads, Casks, or Cases, to be exported on Account of the Owner, after it has been examined, viewed, weighed, and found good, shall be stamped as before directed; and the Inspectors or one of them, shall deliver the Person bringing the same, as many Receipts, signed, sealed, or stamped, as aforesaid, as shall be required for the Number of Hogheads so brought and stamped: And for every such Hoghead, Cask, or Case of Tobacco, there shall be paid to the Inspectors Three Shillings, for viewing, examining, stamping, and nailing.

LXIX. All stem'd Tobacco, loose, or in Bundles, not laid strait, and all Tobacco packed in Hogheads, exceeding Forty Eight Inches in the length of the Stave, or Thirty Inches at the Head, within the Croes, making an Allowance for prizing, not exceeding Two Inches above the Gage in the prizing Head, shall be accounted unlawful Tobacco, and shall not be passed or received; but the Owner of such Tobacco packed in such unlawful Cask, shall repack the same in fizeable Cask, at his own Charge, before the same shall be stamped by the Inspectors.

LXX. When any Tobacco brought to any Public Warehouse shall be refused by the Inspectors, the Owner shall not be allowed to carry the same away, but the Inspectors shall permit him to sort and separate the same, without any Fee, and so much thereof as shall be separated * from the rest, as bad, unsound, or un- **Pa. 429.*
 merchantable, shall, in Presence of One of the said Inspectors, be immediately burnt: And if such Owner will
 not

Ann. 1730 not sort and separate the same, then every such Hog-
Cap. 3. shead or Parcel of Tobacco shall be immediately burnt,
Pag. 429. as aforesaid.

LXXI. If any Tobacco packed in Cask by an Overseer, or the Hands under his Care, shall be burnt by the Inspectors, as bad, unsound, or not in good Condition, such Overseer shall bear the Loss, and make Satisfaction for the same, out of his Share of the Crop, or otherwise.

LXXII. The Inspectors at every Public Warehouse, shall enter, in a Book kept for that Purpose, the Marks, Numbers, Gross, Nett Weight, and Tare, of all Tobacco viewed and stamped by them, as aforesaid, and in what Vessels the same shall be laden: And shall also with every Sloop-load or Boat-load of Tobacco, send a List of the Marks, Numbers, Gross, Nett Weight, and Tare, of every Hoghead of Tobacco then delivered, to be given to the Master of the Vessel in which the same shall be put on board: And if the Tobacco delivered to the same Sloop or Boat, is intended for several Vessels, then so many distinct Lists, as aforesaid, of the Hogheads to be put on board each Vessel respectively: Which List every Master of a Vessel shall produce to and lodge with the Naval Officer of the District where the Vessel whereof he is Master shall ride, or by whom he shall be cleared, some Time before her Clearance: And shall also, at the Time of clearing, deliver to the said Naval Officer, Two fair Manifests of all the Tobacco on board his Vessel, expressing the Marks and Numbers of every Hoghead, the Tare and Nett Weight stamped thereon, the Person by whom shipped, and from what Warehouse; and shall make Oath thereto; and that the same is a just and true Account of the Marks, Numbers, Tare, and Nett Weight of each respective Hoghead, as the same was taken down by the Person or Persons appointed by him to take the same before the said Tobacco was stowed away. And no Vessel shall be cleared by the Naval Officer, before he shall have received such Lists and Manifests: One of which Manifests shall, by the said Naval Officer, be annexed to such Master's Certificate, or Clearance; to the End, the same may be delivered to the Chief Officer of the Customs in the Port where such Vessel shall unlade; and the other of the said Manifests shall, by the said Naval Officer, be transmitted to the Chief Officer of the Customs by the next convenient Opportunity.

LXXIII. The

LXLIII. The Inspectors of every Public Warehouse *Ann. 1730* shall, Annually, before the Sixth Day of *July*, deliver, *Cap. 3.* or cause to be delivered, a Report or Manifest, sign'd by *Pag. 429.* them, of the Marks, Numbers, Gross, nett Weight, and Tare, of all Tobacco view'd and stamp'd at the Public Warehouses under their Inspection, and in what Vessels the same were put on Board, to the Naval Officers of the Districts in which such Vessels were respectively laden; who shall transmit the same, and a Duplicate thereof * **Pa. 430.* without Delay, to the Commissioners of his Majesty's Customs. And the like Reports or Manifests shall be by the said Inspectors delivered to the respective Naval Officers of the several Districts, if any Tobacco shall be shipped from their Warehouses after the Sixth Day of *July*, Yearly, as soon as the said Tobacco shall be deliver'd out.

LXXIV. Every Inspector, before he enters on the Execution of that Office, shall make Oath before the Governor or Commander in Chief, " Carefully to view and
" examine all Tobacco brought to any Public Warehouse
" whereof he is appointed an Inspector; and to the best of
" his Skill and Judgment, not to receive any Tobacco
" prohibited by this Act, or that is not sound, well-
" conditioned, and in his Judgment clear of Trash, Sand,
" and Dirt; and faithfully to discharge the Duty of his
" Office according to the Directions of the same, without
" Favour, Affection, Partiality, or other By-Respect." And shall enter into Bond with good Security, in the Penalty of One Thousand Pounds of lawful Money, payable to the King, his Heirs, and Successors, with Condition for the true and faithful Performance of his said Office, according to this Act. And every Inspector shall constantly attend at some Public Warehouse under his Charge, from the Tenth Day of *November*, until the last Day of *June*, Yearly, to receive and inspect Tobacco, (except *Sundays*, and the Holidays observed at *Christmas*, *Easter*, and *Witsuntide*, or when otherwise hindred by Sicknets,) and no Tobacco shall be received after that Time, until the Tenth of *November* following: But one of the said Inspectors shall at any Time (except as before excepted,) upon Application made, deliver any Tobacco for Exportation, by them before received.

LXXV. When any Inspector shall bring his own Tobacco to the Warehouse whereof he is Inspector, the same shall not be passed or stamped, 'til first viewed, examined,
and

Ann. 1730 and found good, sound, and merchantable, by the other
Cap. 3. Two Inspectors attending there; and if they disagree,
Pag. 430. an Inspector shall be called from the next Warehouse or Inspection to determine, concerning the Quality of the said Tobacco: And the like Method shall be observed therein as before prescribed, for passing or refusing other Tobacco brought to the said Warehouses. (See Sect. 101.)

LXXVI. Every Inspector, during his Continuance in Office, shall be paid for his Trouble, and necessary Expence, Sixty Pounds *per Annum*. (See Sect. 105.) And shall, Annually, or oftner, account for and pay to *John Holloway*, Esq; Treasurer, or the Treasurer for the Time being, to be appointed by the General Assembly, to be by him accounted for to the General
 † *Pa.* 431. Assembly, (the † said Inspectors Salary, Warehouse Rent, and such Expences as he shall make appear to have been disbursed for Nails, and printed Notes, and Receipts, being first deducted,) all Sums of Money, Fees, and Profits received by Virtue of this Act, (the Allowances for Shrinking and Wasting excepted,) and shall make Oath to the Truth and Justness of the same: And every Inspector removed from the said Office, shall forthwith account, as aforesaid.

LXXVII. If the Money received by the Inspectors of any Warehouse shall not be sufficient to pay the Salaries, and other incident Charges before-mentioned, such Deficiency shall be made good, and paid out of the general Fund arising by the Profits of the other Warehouses; and if that should prove deficient, then out of any other Public Money in the Hands of the Treasurer.

LXXVIII. Every Inspector convicted of taking, accepting, or receiving, directly, or indirectly, any Gratuity, Fee, or Reward, for any Thing done in pursuance of this Act, other than his Salary, and the other Payments and Allowances beforementioned, shall forfeit Fifty Pounds Current Money; to be recovered, with Costs, by any Person or Persons who will sue for the same, by Action of Debt, Bill, Complaint, or Information, in any Court of Record; and moreover, shall be disabled from holding the Place or Office of an Inspector, during the Continuance of this Act.

LXXIX. Every Person convicted of offering any Bribe, Reward, or Gratuity to any Inspector, for any Thing by him done in pursuance of this Act, other than
 the

the Fees and Allowances before appointed, shall, for *Ann. 1730* every such Offence, forfeit Ten Pounds Current Money: *Cap. 3.* To be recovered, in any Court of Record; one Half *Pag. 431.* to the King, for the Use of such Inspector refusing such Bribe, or Reward, and the other to him or them that will sue for the same.

LXXX. No Inspector, during the Time of his being such, shall, directly, or indirectly, for himself, or any other Person, buy or receive, by way of Barter, Loan, or Exchange, any Tobacco whatsoever, under the Penalty of forfeiting Twenty Pounds for each Hogshead, Cask, or Case of Tobacco so bought or received.

LXXXI. *Provided*, Nothing herein shall be construed to prohibit any Inspector from receiving his own proper Debts or Rents in Tobacco, being first viewed, examined, and stamped, at any Warehouse under his Inspection.

LXXXII. Every Inspector stamping any Hogshead, Case, or Cask of Tobacco, found to contain any bad or unsound Tobacco, or Trash, or not well packed, shall forfeit, for every such Hogshead, Case, or Cask * so stamped, Ten Pounds: To be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, by him or them that will sue for the same; no Effoin, Protection, Privilege, or Wager of Law to be allowed. And the Court, where such Suit depends, shall proceed therein, without Regard to the Form or Manner of the Proceedings, so as sufficient Substance be set forth for such Court to proceed to Judgment. Repealed by Sect. 104. ** Pag. 432*

LXXXIII. When any Person shall be entitled to receive a Hogshead of Tobacco on any Inspector's Notes, the Inspectors shall open the Hogshead, and shew such Tobacco to the Person demanding the same, if required: And if such Person refuses to accept such Tobacco, as bad, unsound, or unmerchantable, he shall make immediate Application to any Three Justices, no way related to the Parties, or concerned in Interest, near to the Warehouse where such Tobacco is so refused; which Justices shall take an Oath before some other Justice of the said County, carefully to view and examine the said Tobacco, and to the best of their Skill and Judgment, not to pass any Tobacco that is not sound, well conditioned, and merchantable, according to the Directions of this Act, and clear of Trash, Sand, and Dirt; and that they will therein do their Duty according

Ann. 1730 ing to their Judgment and Conscience, without Favour,
Cap. 3. Affection, Partiality, or other By-Respects: Which
Pag. 432. Three Justices to be sworn, shall, upon such Application,
 repair to the said Warehouse where such Tobacco was
 so refused, and carefully view and examine the same,
 in such Manner as they shall think fit; and if any
 Two of them adjudge such Tobacco to be bad, unsound,
 and unmerchantable, according to the Directions of this
 Act, shall cause the same to be immediately burnt, and
 take Wood for that Purpose: And for their Trouble,
 shall be paid by the Inspector or Inspectors tendering the
 same, Five Shillings each. Which Fee shall be paid
 by the Person desiring such View, if Two of the said
 Justices shall thereupon adjudge the said Tobacco to
 be good, sound, and merchantable, according to the
 Directions of this Act.

LXXXIV. When any Tobacco shall be so tendred,
 and refused, it shall not be in the Liberty of the
 Inspectors to tender, or of the Person demanding the
 same, to receive any other Tobacco in Lieu thereof, be-
 fore such Tobacco shall have been viewed, as aforesaid;
 but the Person refusing shall immediately mark the
 same.

LXXXV. If any Inspector shall tender any Tobac-
 co in Lieu of the Tobacco so refused, before the same
 shall have been viewed, as aforesaid, or shall not pro-
 duce the same Tobacco so refused to the said Justices,
 in either Case it shall be taken for a Conviction that
 the Tobacco so tendred or changed, is bad, unsound,
 or unmerchantable: And every such Inspector shall be
 liable to the Penalties beforementioned, for stamping
 bad, unsound, or trash Tobacco.

* *Pa.* 433. LXXXVI. If any Person shall forge or counterfeit
 the Note, Receipt, or Stamp of any Inspector, or ten-
 der in Payment any such forged or counterfeited Note,
 knowing it to be such, or export or cause to be export-
 ed any Hoghead, Cask, Case, Box, Chest, or other
 Package of Tobacco stamped with a counterfeit or forged
 Stamp, knowing such Stamp to be such, or demand To-
 bacco of any Inspector upon any such forged or counter-
 feited Note, or Receipt, knowing it to be such, or put in-
 to any Hoghead, Cask, or Case of Tobacco, stamped
 by any Inspector, any Tobacco whatsoever, or draw or
 take out any Stave, Plank, or Heading-board of any
 Hoghead, Case, or Cask of Tobacco, stamped as afore-
 said, and fix the same in any other Hoghead, Cask,
 or

or Case of Tobacco, after such Hoghead, Cask, or Case, shall be delivered out of any Public Warehouse; every Person so offending, and thereof convicted by due Course of Law, shall be adjudged a Felon, and suffer as in Case of Felony.

Ann. 1730
Cap. 3.
Page 433.

LXXXVII. A Public Warehouse or Warehouses shall be kept at the following Places:

| <i>Places.</i> | <i>Counties.</i> |
|--|---|
| At <i>Warwick</i> on <i>Howlet's</i> Land. | } <i>Goochland</i> and
<i>Henrico.</i> |
| <i>Shockoe's</i> on <i>Col. Byrd's</i> Land. | |
| <i>Bermuda Hundred</i> , on <i>Eppes's</i> Lotts. | } <i>Henrico.</i> |
| <i>Turkey Island</i> , on <i>Col. Randolph's</i> Land. | |
| <i>Appamattox Point</i> , <i>Col. Bolling's</i> Land. | } <i>Prince George.</i> |
| On <i>Col. Robert Mumford's</i> Land. | |
| <i>Powel's Creek</i> , upon <i>Mr. Bland's</i> Land. | |
| <i>Cabbin Point</i> . - - - - - | } <i>Surrey.</i>
<i>Prince George.</i> |
| <i>Merchant's Brandon</i> . - - - - - | |
| <i>Gray's Creek</i> , where the Agents Houses were. | } <i>Surrey.</i>
<i>Isle of Wight.</i> |
| <i>Warwick'squeak Bay</i> . | |
| <i>Swineherd's</i> . | } <i>Charles City.</i> |
| <i>Mr. John Soans's</i> . | |
| <i>Wainwright's Landing</i> . | } <i>Isle of Wight.</i>
<i>Nansemond.</i> |
| <i>Lawrence's</i> . | |
| <i>Widow Constance's</i> , | } <i>Nansemond.</i> |
| <i>Sleepy-Hole Point</i> . | |
| <i>Norfolk Town</i> , on the Fort Land, | } <i>Norfolk.</i>
<i>Princess Anne.</i> |
| <i>Kemp's Landing</i> , | |
| <i>Hampton</i> , on <i>Mr. Miles's</i> Lot, | } <i>Eliz. City.</i>
<i>Warwick.</i>
<i>York.</i> |
| <i>Warwick Town</i> , on <i>Mr. Gough's</i> Lotts, | |
| <i>Roe's Storehouse</i> , | |
| * <i>Hog-Neck</i> , | } <i>James-City.</i> * <i>Pa. 434</i>
<i>New Kent.</i> |
| <i>Taskanask</i> , on <i>William Morris's</i> Land, | |
| <i>College and Capitol Landings</i> , on <i>Mr. Holloway's</i> Land. | |
| <i>York Town</i> , where the Agents Houses were. | |
| <i>Gloucester Town</i> , on <i>Capt. Hannar's</i> Land. | |

Ann. 1730
Cap. 3.
Pag. 434.

| Places | Countries. |
|--|---|
| At Deacon's Neck,
Poropotank, | } Gloucester. |
| Crutchfield's, on Page's Land,
Mr. David Meriwether's, | } Hanover. |
| Todd's, - - - - -
Aylett's Warehouse, - - - | } King and Queen.
King William. |
| John Quarles's,
Mantapike, }
Shepherd's, } | } King William.
King and Queen. |
| Chamberlayne's,
Williams's Ferry, | } New Kent.
King William. |
| Urbanna, where the Agents House was,
Major Kemp's, - - - - - | } Middlesex. |
| Hobbs's Hole, upon James Griffin's Land,
Bowler's Ferry, upon Adams's Land, | } Essex. |
| Naylor's Hole, on William Fantleroy's
Land, - - - - -
Mouth of Totaskey, at Brokenbrough's
Landing, - - - - - | } Richmond |
| Layton's, - - - - -
Maddox Creek, at Martin's,
Bray's Church, - - - - - | } Essex.
Westmoreland.
King George. |
| Falmouth, on Mr. Todd's Lots,
Fredericksburg, Mr. Francis Willis's
Lot, - - - - - | } King George
Spotsylvania |
| William Glascock's Landing,
Rolling House, upon Deep Creek, | } Richmond.
Lancaster. |
| Corotoman, at Queen's Town, where
the Agents Houses were,
The Land where the Widow Davis
lives,
Indian Creek, at the Warehouses, | } Lancaster.
Northumber-
land. |
| Wiccocomoco, at Robert Jones's,
Coan, at the Warehouses, | } Northumberland. |
| Nominy, on Patrick Spence's Land,
Teocomico, at the Warehouse, | } Westmoreland. |
| Boyd's Hole, on Col. Fitzbugh's Land,
Marlborough, - - - - - | } Stafford. |

| Places. | Counties. | Ann. 1730
Cap. 3.
*Pa. 435. |
|--|------------------------------------|-----------------------------------|
| At * Quantico, on Robert Brent's
Land, - - - - - | } Prince William.
See Sect. 98. | |
| Great Hunting Creek, on Broad-
water's Land, | | |
| John Roy's, }
Mr. Francis Conway's, } | } Caroline.
King George. | |
| Gibson's - - - - - | | |
| Cherrystone's, at John Waterson's,
Nasswaddock's, at the Joiner's Landing,
Hunger's, at George Harman's, | } Nor-
thampton. | |
| Head of Pungoteague, at Addison's
Landing, - - - - - | | |
| Pitt's Landing, upon Pocomoke,
Mr. Andrews's Warehouse Landing, | } Accomack. | |
| | | |

Note, All the Houses coupled to the Right Hand with
this Mark } were appointed to be under one Inspection.
See Sect. 99. }

LXXXVIII. The Warehouses at the Places aforesaid, are the Public Warehouses intended by this Act. And the Clerks of the respective County Courts shall issue, and the Sheriff execute Summons's to the Proprietors of the Land where such Public Warehouses are appointed to be kept, or to the Guardian, Husband, or known Attorney, of any such Proprietor, being under Age, *feme Covert*, or out of the Country, to appear before Commissioners by the Governor to be appointed, at the County Court-house, on such Days as the said Commissioners shall appoint, whereof public Notice shall be given, by setting up a Note in Writing at the Door of every Church or Chapel, at least Two *Sundays*, or Sermon Days, before the Day appointed, and declare whether they will build such Warehouse or Warehouses as by the said Commissioners shall be directed, and a good Wharf at the Landing adjoining thereto: And the said Commissioners, before the Proprietor of the Land shall be called in, shall settle such a reasonable Yearly Rent to be paid by the Inspectors, and allowed them, on passing their Accounts, as aforesaid, as to them shall seem meet. And if such Proprietor, Guardian, or known Attorney, undertakes the Building thereof, the Commissioners shall take Bond to the Governor, for the due Performance thereof, and shall return such Bonds to the Secretary's Office.

LXXXIX. *Provided,*

Ann. 1730 *LXXXIX. Provided,* Such Commissioners, before they
Cap. 3. enter on the Execution of their Office, shall take an Oath
Pag. 435. before the Court of the County wherein they are to
 officiate, faithfully, justly, and impartially to execute
 the Trust reposed in them, according to the best of
 their Understanding and Conscience.

**Pa.* 436 *XC.* If any such Proprietor shall refuse to build ac-
 cording to the Directions of the said Commissioners,
 and to let the same to the Inspectors, * at a reasonable
 Rent, to be adjudged as aforesaid, the said Commis-
 sioners shall value an Acre of the said Land, for the
 Use aforesaid: And if the said Inspectors, or any other
 Person, shall pay or tender to such Proprietor the Va-
 luation so set thereon, and will erect thereon a Store-house
 or Store-houses, and Wharf, as aforesaid, such Inspec-
 tor or other Person shall, from thenceforth, be posses-
 sed of the said Land, to him and his Assigns, during
 the Time such Place shall be made Use of for a Pub-
 lic Warehouse. And if such Proprietor, or any other
 Person, will not build, the Court of that County shall
 pay or tender to such Proprietor the Valuation so set,
 as aforesaid; and shall cause to be built thereon such
 Warehouse or Warehouses, and Wharf, and may levy
 the Charge thereof upon the Inhabitants of their Coun-
 ty; and shall receive the yearly Rent established for
 such Warehouse, or Warehouses, which shall be paid
 by the Inspectors thereof, for reimbursing the County:
 And from thenceforth the Justices of such County shall
 be possessed of the said Lands and Tenements, to them,
 and the succeeding Justices, to the Use of the said Coun-
 ty, during the Time such Place shall be made Use of
 for a Public Warehouse. And if any of the Places
 herein appointed for Public Warehouses shall be discon-
 tinued, the Proprietor of the Land returning the Price
 paid for the Acre on which such Warehouse was
 built, shall be from thenceforth thereof seised, as of his
 former Estate: And the same Method shall be observed,
 if the Inspectors, during the Continuance of this Act,
 find it necessary to have more Warehouses erected at any
 of the Places appointed as aforesaid.

XCI. Provided, Nothing herein shall be construed
 to empower the said Commissioners to take away the
 Houses, Orchards, or other immediate Conveniences of
 any Proprietor, for the Uses aforesaid: Nor the said In-
 spectors to keep any Horses, Cattle, or Hogs, at any of
 the said Public Warehouses, but what shall be con-
 stantly

stantly inclosed and kept upon the Land appointed for *Ann. 1730* such Warehouses. And the Proprietor of the Land on *Cap. 3.* which such Warehouses are placed, may kill or cause *Pag. 436.* to be killed or destroyed all Swine belonging to any of the said Inspectors, found at large on the said Warehouse Land, or the Lands adjoining thereto.

XCII. If any of the said Warehouses shall accidentally happen to be burnt, the Loss sustained thereby, shall be made good and repaired to the several Persons injured, by the General Assembly, at the next Session after such Loss.

XCIII. This Act shall be in Force from the First of *August*, One Thousand Seven Hundred and Thirty One, for Four Years, and from thence to the Tenth Day of *November* following.

XCIV. 5 & 6 *Geo. 2. cap. 1.* No Master of any Vessel shall, hereafter, be liable to the Penalty or Forfeiture mentioned in 3 & 4 *Geo. 2. cap. 3. (Sect. 55.)* for * any Tobacco heretofore carried from any *Ann. 1732* Plantation or Place to the Public Warehouses, by the *Cap. 1.* Sloops, Boats, or Sailors to such Master belonging; or for any Tobacco heretofore or hereafter carried from any Public Warehouse on board any Vessel, in any Boat or Vessel belonging to such Master, or by any of the Sailors belonging to such Ship or Vessel: But all Masters of Ships, and other Vessels, may employ their own Sloops, Boats, and Sailors, in carrying Tobacco from the said Warehouses, on board their Ships. *Pag. 463. * Pa. 464.*

XCV. 5 & 6 *Geo. 2. cap. 9.* * The Master of any *Ann. 1732* Ship or Vessel wherein any Parcel or Bulk of Tobacco *Cap. 9.* shall be found, shall, over and above the Forfeiture ** Pa. 477.* thereof, forfeit Twenty Shillings Current Money, for every Hundred Pounds of such Tobacco, and so proportionably; One Moiety to the King, &c. towards defraying the Expence of the Execution of 3 & 4 *Geo. 2. cap. 3,* the other to the Informer: To be recovered, if it doth not exceed Five Pounds, before any Two Justices near the Vessel; and if it exceeds that Sum, in any Court of Record, by Action of Debt, wherein the Plaintiff shall recover his Costs: And any Justice near the Place where any Ship or Vessel shall ride, upon Application made by any Person suspecting Bulk or Parcel Tobacco to be on board such Ship, or Vessel, shall issue his Warrant directed to the Sheriff, or any Constable of his County, who shall have full Power to go on board such Vessel, and to search for and seize

Ann. 1732 seise such Tobacco; and the same being seised, shall be
Cap. 9. brought on shore and carried before the same or some other
Pag. 477. Justice, who shall cause the same to be immediately
 weighed and burnt, by such Sheriff or Constable.

XCVI. Every Master or Commanding Officer of such Ship or Vessel, resisting the Officer in the Execution of any such Warrant, shall forfeit Fifty Pounds; and every Sailor or other Person so resisting, shall forfeit Ten Pounds; to be distributed and recovered, as aforesaid. (See Sect. 45.)

XCVII. Nothing in the 3 & 4 Geo. 2. cap. 3, shall be construed to prohibit any Person from carrying or causing to be carried to any Public Warehouse in any Boat, or other Vessel, any Tobacco in Bulk, or Parcels, for the Payment of his or her Levies, Debts, or other Duties. (See Sect. 46.)

* *Pa. 478.* * XCVIII. The Warehouse built on *Pearson's Land*, on the Upper Side of *Great-Hunting Creek*, (instead of *Broadwater's*,) and that on *Britt's Land*, at the Head of *Quantico*, (instead of *Robert Brent's*,) shall be established as Public Warehouses; and one other Warehouse shall be built in *Prince William*, at *Pobick*, on *Mr. Dennis McCarty's Land*: And one other on *Mr. John Bolling's Land*, in *Henrico*, opposite to *Appamattox Point*, at *Col. Bolling's*, to be added to that Inspection: Which shall be established as Public Warehouses, and the Rent thereof settled by Commissioners, according to the Directions of 3 & 4 Geo. 2. cap. 3. (See Sect. 87. 88.)

XCIX. All Tobacco, after the Tenth of November next, brought to any Public Warehouse, shall be viewed by Two Inspectors, qualified and appointed for every Warehouse, according to the Directions of the aforesaid Act; and shall be viewed, examined, weighed, and stamped, or burnt accordingly; except the Warehouses hereafter-mentioned, which shall be under one Inspection, and attended by Two Inspectors only: That is to say,

| | | |
|---|---|----------------------------|
| The Warehouse at <i>Appamattox Point</i> , in <i>Prince George</i> , and the Warehouse opposite to it in <i>Henrico</i> , | } | under the same Inspectors. |
|---|---|----------------------------|

| | | |
|---|---|----------------------------------|
| That at <i>Roy's</i> , in <i>Caroline</i> ,
And that at <i>Gibson's</i> , in
<i>King George</i> , - - - | } | under the same Inspectors.
At |
|---|---|----------------------------------|

At *Corotoman*, and
at the Widow
Davis's, in *Lan-*
caster, } under the same Inspectors.

Ann. 1732
Cap. 9.
Pag. 478.

At the *Capitol Landing*,
and *College Landing*, } under the same Inspectors.
in *Williamsburg*,

C. If the said Two Inspectors disagree in their Judgment, concerning the Quality of any Tobacco brought for their Inspection, to any Warehouse under their Charge, they shall, as soon as conveniently may be, call from the next Warehouse or Inspection, another Inspector, who shall determine the Difference, and pass or reject such Tobacco; and one of the Inspectors, differing in Opinion, shall attend at the Warehouse from whence that Inspector was called, until the Inspector so called, returns back to his Duty at the other Warehouse.

CI. When any Inspector shall bring his own Tobacco to the Warehouse whereof he is an Inspector, the same shall not be passed or stamped, 'til it has been viewed, examined, and found good and qualified, as aforesaid, by the other Inspector there attending, and one or both of the Inspectors, as the Case shall require, from the next adjacent Warehouse.

CII. The Notes under the Hands of the said Inspectors, shall be current, and payable according to the Directions of the aforesaid Act, without sealing or stamping: And the Inspectors shall be obliged to make every Hogshead of Tobacco, by them paid away in Discharge of any Notes by them † given, as aforesaid, to contain † *Pa.* 479† Eight Hundred Pounds Weight of Nett Tobacco, at the least.

CIII. For all Tobacco paid in Discharge of Quit-Rents, Secretaries, Clerks, Sheriffs, Surveyors, or other Officers Fees, according to the Directions of the aforesaid Act, the Allowances therein-mentioned, (See Sect. 58.) shall be deducted out of every Hundred charged upon the Person paying; and for all Tobacco paid for Public, County, and Parish Levies, the Payer shall be allowed the same that is levied upon every Tithable in the County and Parish, for Convenience.

CIV. The Penalty of Ten Pounds, in Sect. 82, inflicted on the Inspectors for stamping bad Tobacco, made void and repealed; the Loss of the Tobacco, if burnt according

Ann. 1732 to Sect. 83, and their Oath, being adjudged sufficient
Cap. 9. Restraints to hinder them from passing bad Tobacco.

Pa. 479. CV. So much of Sect. 76, as settles the Inspectors Salaries at Sixty Pounds per Annum, repealed: And after the Tenth of November, the several Inspectors at the Warehouses hereafter mentioned, shall be allowed the several Salaries following:

| Pounds per Annum. | | Pounds per Annum. | | |
|-------------------|-------------------------|-------------------|-----------------------|--------|
| *Pa. 480. | a * At Warwick, | 50 | At Quarles's, | 30 |
| | a At Shockoe's, | 50 | a At Williams's, | 40 |
| | a At Bermuda, | 40 | r At Chamberlayne's, | 40 |
| | At Col. Randolph's, | 30 | a At Taskanask, u | 30 |
| | a At Appamatox, and | { 50 | At Urbanna, | 30 |
| | the opposite Warehouse, | | a At Kemp's, | 40 |
| *Pag. 481 | r At Col. Munford's, | 40 | * a At Hobbs's-Hole, | 40 |
| | r At Powel's-Creek, | 30 | At Boxler's, | 30 |
| | r At Merchant's | { 30 | a At Layton's, | 30 |
| | Brandon, | | a At Naylor's-Hole, | 50 |
| | a At Cabbin-Point, | 50 | At Totaskey, | 30 |
| | At Gray's-Creek, | 30 | At Glascock's, | 30 |
| | r At Warwicksqueak | { 30 | a At Guildford's, u | 30 |
| | Bay, | | a At Mattox, | 40 |
| | a At Wainwright's, | 40 | a At Nomini, | 40 |
| | a At Swineherd's, | 40 | a At Teccomico, | 45 |
| | a At Soane's, | 40 | r At Bray's Church, | 40 |
| | a At Lawrence's, | 40 | a At Falmouth, | 50 |
| | a At Constance's, | 40 | a At Fredericksburg, | 50 |
| | a At Sleepy-Hole, | 40 | At Deep-Creek, | 30 |
| | a At Norfolk-Town, u | 30 | a At Corotoman, and | { 50 |
| | a At Kemp's Landing, u | 30 | Davis's, | |
| | At Hampton, | 30 | At Indian-Creek, | 30 |
| | At Warwick-Town, | 30 | a At Wiccomico, | 40 |
| | At Roe's Storehouse, | 30 | At Coan, | 30 |
| | a At York-Town, | 40 | a At Boyd's-Hole, | 40 |
| | a At the Capitol, and | { 50 | a At Marlborough, | 40 |
| | College-Landings, | | a At Quantico, | 40 |
| | a At Hog-Neck, u | 30 | At Great-Hunting C. | 30 |
| | a At Gloucester-Town, | 40 | a At Pohic, | 35 |
| | At Deacon's-Neck, | 40 | d At Roy's, and | { a 50 |
| | At Poropotank, | 30 | d Gibson's, | |
| | At Crutchfield's, | 60 | a At Conway's, | 40 |
| | At Meriwether's, | 30 | a At Cherrystone's, u | 25 |
| | a At Todd's, | 50 | a At Nasswaddock's, u | 25 |
| | a At Mantapike, | 40 | a At Hungar's, u | 25 |
| | a At Shepherd's, | 50 | a At Pungoreague, u | 30 |
| | a At Aylett's, | 50 | a At Pocomoke, u | 30 |

Those

Those marked (a) are altered by Sect. 124.

Ann. 1732

The Inspections marked (r) are repealed, and the Houses put down by Sect. 118.

Pag. 9.

Pag. 481.

Those marked (u) are united, and those (d) disjoined, by Sect. 119.

CVI. The several Inspectors, after the last Day of June, One Thousand Seven Hundred and Thirty Two, shall attend the several Warehouses under their Charge, till the Sixteenth Day of August ensuing; and if any Tobacco then remains in any of the said Warehouses to be inspected, they shall continue till the same is inspected.

* CVII. The Commissioners, mentioned in Sect. 88, shall cause convenient Prises, Cranes, and other Conveniences, to be erected and fixed, and the Public Warehouses to be double covered, or otherwise made tight, where it is not already done; and where it has been done at the Charge of the Inspectors, the Expence thereof, in both Cases, shall be deducted out of the Rents, if the Commissioners think it reasonable; and where they think the Rents not sufficient to bear it, shall increase the same, so as to make a reasonable Allowance. * Pa. 482

CVIII. When any prised Tobacco shall be brought to any Public Warehouse, to be shipped on Freight, and the Inspectors shall refuse the same till it has been picked, such Inspectors shall permit the Owner or other Person bringing the same, to make Use of one or more of their Prises, for repacking and prising such Tobacco.

CIX. If there shall be several Hogsheds of Tobacco belonging to several Owners, to be packed, repacked, and prised, the Owner or Person whose Tobacco shall be first viewed and refused, shall be first allowed to make Use of such Prise, or Prises; and the same Rule shall be observed in prising all Tobacco, which shall be picked, repacked, and prised, as aforesaid.

CX. For all Tobacco repacked and prised by the Owner, or his Servants, or Slaves, there shall be paid to the Inspectors only Three Shillings for stamping, and for all Tobacco repacked and prised by the Inspectors, Five Shillings, for each Hoghead.

CXI. No Inspector shall take, or otherwise dispose of, any Draughts or Samples of Freight or Crop Tobacco, but the same (if fit to pass) shall be put again into the Hoghead; under the Penalty of forfeiting

Ann. 1732 **Twenty Shillings** for every Draught so taken away: To be recovered, before any Justice of the County.

Pa. 482. CXII. If any Person to whom a Receipt for Crop Tobacco is assign'd, desires to alter the Mark, the Inspectors shall suffer such Person so to do; and shall keep a Waste-Book, in which shall be entred the Marks and Numbers of all Tobacco Hogsheads received by them, and another Book in which shall be entred the Marks and Numbers of such Tobacco Hogsheads, when delivered out.

CXIII. If any Inspectors Notes or Receipts be casually lost, mislaid, or destroyed, the Person intituled to receive the Tobacco by Virtue thereof, shall make Oath before a Justice of the County where the same is payable, to the Number or Date of every such Note, or Receipt; and that he or she, at the Time the same was lost, mislaid or destroyed, was lawfully entitled, and how, to receive the Tobacco therein-mentioned, and shall take a Certificate from such Justice thereof; and upon producing such Certificate to, and lodging the same with the Inspectors, they shall pay such Person obtaining such Certificate, the Tobacco, for which any such

† *Pa.* 483. Notes or Receipts were given, († if the same, or any Part thereof, hath not been before by them paid, by Virtue of the said Notes or Receipts) and shall be discharged from the Paiment of the Notes, or delivering Tobacco on the Receipts therein-mentioned: And every Person convicted of making a a false Oath, or producing a forged Certificate, shall forfeit **Twenty Shillings** for every Hundred Pounds of Tobacco contained in such Certificate: To be recovered, with Costs, in any Court of Record, by Action of Debt, or Information; one Moiety to the King, &c. the other to them that will sue for the same; and shall suffer such corporal Punishment as the Court, before whom the Cause is tried, shall inflict; and moreover, shall be subject to all the Penalties of Perjury, in a Court of Record.

CXIV. For all Tobacco brought in good, sound Cask, and of the lawful Gauge, the Inspectors shall allow for the Cask, after the Rate of Four *per Cent.* so as such Allowance does not exceed Thirty Pounds of Tobacco for each Hogshead.

CXV. If any Ship happens to be so full that she cannot take in the Tobacco sent to be put on board her from any Warehouse, according to the List therewith sent, such Tobacco may be put on board any other

other Ship, where the Owner thinks fit, the Master of *Ann. 1732*
 the Ship endorsing on the said List, the Marks and *Cap. 9.*
 Numbers of the Hogheads by him taken on board; *Pag. 483.*
 and giving Notice to the Inspectors of the Warehouse
 from whence such Tobacco was brought; or if there is
 no Ship to receive the said Tobacco, such Master may
 put the said Tobacco into the nearest Public Warehouse
 to the Place where such Ship shall ride, giving immediate
 Notice thereof, to the Inspectors who stamped the same;
 and the Inspectors at that Warehouse where such To-
 bacco shall be delivered, shall give a Receipt for the
 same, and shall cause the said Tobacco to be safely lodg-
 ed and delivered to the Order of the Owner thereof,
 when he or she shall think fit to ship it off; and that
 without Fee or Reward.

CXVI. No Inspector of any Warehouse burnt, or
 to be burnt, shall be sued, by Reason of any Pro-
 misory Note by him given, for any Tobacco burnt, or
 to be burnt, in such Warehouse.

‡ CXVII. *Provided*. That the Inspectors, allowed for † *Pa. 484.*
 burnt Tobacco in the Book of Claims of this Session,
 shall pay the same to those who sustained the Loss,
 in Proportion thereto.

CXVIII. ‡ 8 *Geo. 2. cap. 1.* The following Public *Ann. 1734*
 Warehouses, after the Ninth Day of November next, *Cap. 1.*
 shall be repealed, and no longer accounted Public ‡ *Pa. 1 2.*
 Warehouses, *viz.* Brandon, Munford's, Powel's Creek, App.
Warwick'squeak, and Chamberlayne's: And new ones
 shall be erected and built, at Maccok's, in Prince George,
 and at Littlepage's, in New-Kent; and after the Ninth
 of November, One Thousand Seven Hundred and Thir-
 ty Five, those at Shockoe's, in Henrico, Marlborough,
 in Stafford, and Pohick, in Prince William, shall be
 likewise repealed; and others built at Wilkinson's, in
 Henrico; at the most convenient Place at or near the
 Head of Acquia, in Stafford, to be settled by the Jus-
 tices of the County; and at the Copper-Mine Landing,
 upon Occoquan, in Prince William: And for the ensu-
 ing Year, the Rent of Shockoe's shall remain at Thirty
 Five Pounds, and that of Marlborough, reduced to Six
 Pounds, and of Pohick, to Five Pounds.

CXIX. The Warehouses hereafter-mentioned, shall
 be united under one Inspection, *viz.* The Warehouses
 in Princess Anne, and Norfolk; Nasswaddox, and Pun-
 goteague; Hungar's, and Cherrystone's; Pocomoke, alias
 Pitt's, and Guildford's; Hog-Neck, and Taskanask;
 and

Ann. 1734 and *Roy's*, and *Gibson's*, shall be hereafter disjoined, and
Cap. 1. made Two Inspections.

Pag. 2. ‡ CXX. The Rents of all the Public Warehouses

‡ *Pag.* 3. shall hereafter be settled at the following Rates,
App.

| Pounds per Annum. | | Pounds per Annum. | |
|-------------------------|----|--------------------------|------|
| <i>Warwick,</i> | 20 | <i>Todd's,</i> | 20 |
| <i>Col. Bolling's,</i> | 20 | <i>Kemp's,</i> | 15 |
| <i>John Bolling's,</i> | 5 | <i>Corotoman,</i> | 7 |
| <i>Turkey Island,</i> | 10 | <i>Davis's,</i> | 7 |
| <i>Macock's,</i> | 10 | <i>Urbanna,</i> | 5 |
| <i>Bermuda-Hundred,</i> | 10 | <i>Deep-Creek,</i> | 10 |
| <i>Cabbin-Point,</i> | 20 | <i>Indian-Creek,</i> | 10 |
| <i>Swineherd's,</i> | 10 | <i>Glascock's,</i> | 10 |
| <i>Soanes's,</i> | 10 | <i>Bowler's,</i> | 5 |
| <i>Gray's-Creek,</i> | 6 | <i>Hobbs's-Hole,</i> | 15 |
| <i>Wainwright's,</i> | 15 | <i>Totaskey,</i> | 10 |
| <i>Lawrence's,</i> | 15 | <i>Naylor's,</i> | 15 |
| <i>Sleepy-Hole,</i> | 10 | <i>Bray's,</i> | 10 |
| <i>Constance's,</i> | 10 | <i>Layton's,</i> | 15 |
| <i>Norfolk,</i> | 7 | <i>Conway's,</i> | 12 |
| <i>Princess-Anne,</i> | 4 | <i>Roy's,</i> | 15 |
| <i>Hampton,</i> | 6 | <i>Gibson's,</i> | 10 |
| <i>Roe's,</i> | 10 | <i>Fredericksburg,</i> | 25 |
| <i>Denbigh,</i> | 8 | <i>Falmouth,</i> | 15 |
| <i>York,</i> | 10 | <i>Wiccocomico,</i> | 15 |
| <i>Gloucester-Town,</i> | 15 | <i>Coan,</i> | 10 |
| <i>Deacon's-Neck,</i> | 15 | <i>Yeocomico,</i> | 15 |
| <i>Poropotank,</i> | 7 | <i>Nomini,</i> | 15 |
| <i>Capitol-Landing,</i> | 10 | <i>Mattox,</i> | 10 |
| <i>College-Landing,</i> | 10 | <i>Boyd's-Hole,</i> | 18 |
| <i>Taskanask,</i> | 7 | <i>Acquia,</i> | 15 |
| <i>Hog-Neck,</i> | 5 | <i>Quantico,</i> | 10 |
| <i>Williams's,</i> | 10 | <i>The new Warehouse</i> | } 10 |
| <i>Littlepage's,</i> | 15 | <i>instead of Pohic,</i> | |
| <i>Meriwether's,</i> | 10 | <i>Hunting-Creek,</i> | 5 |
| <i>Crutchfield's,</i> | 50 | <i>Pungoteague,</i> | 10 |
| <i>Wilkinson's,</i> | 25 | <i>Nasswaddock's,</i> | 5 |
| <i>Sheppard's,</i> | 12 | <i>Hungar's,</i> | 5 |
| <i>Mantapike,</i> | 10 | <i>Pitt's,</i> | 5 |
| <i>Quarles's,</i> | 6 | <i>Cherrystone's,</i> | 5 |
| <i>Aylett's,</i> | 20 | <i>Guildford's,</i> | 5 |

CXXI. If in any of the Warehouses before-men-
tioned, there shall not be sufficient Room for the
receiving and securing of Tobacco, or if any Pri-
ses

ses, Wharfs, or Repairs shall, at any Time be wanting, *Ann. 1734*
 the County Courts where such Warehouses are, upon *Cap. 1.*
 Application made to them, shall order other necessary *Pag. 3.*
 houses to be built, and all necessary Prises, Wharfs, and *App.*
 Repairs to be made by the Owners of such Warehouses,
 in the most convenient Places: And if they refuse to
 do it, the same shall be done at the Charge of the
 County, and the Justices of such County shall receive
 a proportionable Part of the Rent for the Use of the Coun-
 ty. And if any Difference shall arise between such
 Owners, and the Justices, touching the Proportion, the
 same shall be determined by Appeal to the Gover-
 nor and Council: But if there shall happen to be an
 immediate Occasion to hire Houses before others can be
 built, as aforesaid, the Rent of such Houses shall be
 paid by the County, without any Charge upon the
 Landlord.

CXXII. *Provided*, If any Warehouses be hereafter
 built, in Pursuance of this Act, and the Rents hereby
 settled shall not be proportionable to the Expence of
 such Buildings, such Cases shall be reserved to the Con-
 sideration of the General Assembly.

* CXXIII. Where any Public Warehouse hath been ** Pag. 4.*
 built at the Charge of any County, or private Person, *App.*
 on any other Person's Land, the former Proprietor of
 the Land may, if he thinks fit, pay to the Justices of
 such County, so much as shall be sufficient to reimburse
 them their principal Money expended, which shall re-
 main unsatisfied, and to any private Builder what re-
 mains unsatisfied of his Principal, with lawful Interest,
 for the Time he hath lain out of his Money; and such
 Proprietor shall then be restored to his or her former
 Right, and receive the Rents afterwards growing
 due.

CXXIV. Each Inspector's Salary shall be establi-
 shed at the following Rates.

| | | | |
|-------------------------|----|------------------|----|
| At Shockoe's, and after | 3 | At Wainwright's, | 35 |
| at Wilkinson's, | 40 | At Lawrence's, | 35 |
| At Warwick, | 40 | At Sleepy-Hole, | 30 |
| At Appamatow, | 40 | At Constance's, | 35 |
| At Bermuda, | 30 | At Norfolk, and | 30 |
| At Maccok's, | 30 | Princess-Anne, | |
| At Cabbin-Point, | 40 | At York, | 35 |
| At Swineherd's, | 30 | At Gloucester, | 30 |
| At Soanes's, | 30 | | |

At

| | | | | |
|-----------|---------------------|----|----------------------------|----|
| Ann. 1734 | At the College, and | 30 | At Gibson's, | 30 |
| Cap. 1. | Capitol Landings, | 40 | At Fredericksburg, | 40 |
| Page 4. | At Taskanask, and | 35 | At Falmouth, | 40 |
| App. | Hog-Neck, | 30 | At Wiccoromico, | 35 |
| | At Williams's, | 35 | At Teecomico, | 30 |
| | At Littlepage's, | 35 | At Nemini, | 35 |
| | At Shepherd's, | 35 | At Metrex, | 35 |
| | At Mantapike, | 25 | At Boyd's-Hole, | 35 |
| | At Aylett's, | 40 | At Marlborough, and | 30 |
| | At Hills, | 40 | after at the new | |
| | At Camp's, | 35 | Warehouse, | 35 |
| | At Gortonman, and | 35 | At Quantico, | |
| | Davis's, | 35 | At Pohic, and after at | 30 |
| | At Hills-Hole, | 35 | the new Warehouse, | |
| | At Nott's, | 35 | At Nasswaddox, and | 35 |
| | At Bray's, | 35 | Pungoteague, | |
| | At Layton's, | 35 | At Hungar's, and | 30 |
| | At Conway's, | 35 | Cherrifone's, | |
| | At Roy's, | 35 | At Pitts's, & Guildford's, | 30 |

And all other Inspectors Salaries shall continue as they are settled by Sect. 105.

CXXV. All Levies and Quit-Rents shall be paid at some Warehouse, in the County where the Levies are laid, and the Lands lie; and all Officers Fees in the County where the Person chargeable therewith lives, except such Person has an Estate in the County where the Service is performed; and then all Fees, except Secretaries Fees, shall be paid in such County: But the said Levies, Quit-Rents, and Fees due in any County where no Public Warehouse is established, shall be paid by Inspectors Notes, at some Warehouse in the next adjacent County.

*Pa. 5.
App.

* CXXVI. *Provided*, No Prince William County Notes shall pass in Payment of Levies, Quit-Rents, or Fees becoming due in the new County of Orange: And that the Notes of the Warehouses hereafter mentioned, shall pass in Payment of all Levies and Officers Fees payable in the Counties following:

CXXVII. The Notes of Kemp's Warehouse shall pass in Gloucester. Of Lawrence's, and Cabbin-Point, in Isle of Wight. Of Wainwright's, and Appamatox, in Surry. Of Warwick, Bermuda Hundred, John Bolling's, and Cabbin-Point, in Prince George. Of Turkey-Island, in Charles-City. Of any Warehouse in New-Kent, in St. Peter's Parish, in James-City. Of York, and

and *Roe's*, in *Warwick*. Of *Roe's*, in *Elizabeth City*. *Ann. 1734*
 Of *Page's* and *Merriwether's* in *King William*. Of *Cap. 1.*
Todd's and *Ayller's*, in *Caroline*. Of *Conway's*, in *Pag. 5.*
Spotsylvania. Of *Indian-Creek*, in *Lancaster*. Of *Yeoco-* *App.*
mico, in *Northumberland*. Of *Mattox*, and *Falmouth*, in
Stafford. Of *Princess Anne* and *Norfolk*, in either
 County. Of any Warehouse in *Accomack*, or *Northamp-*
ton, in either County.

CXXVIII. If any old Inspectors Notes are offered in Payment in One Thousand Seven Hundred Thirty Five, to the Collector of any Levies, Quit-Rents, or Officers Fees, he shall deduct Four *per Cent*. But after that Year, no old Transfer Notes whatsoever, shall pass in any such Payments.

CXXIX. No Public Credits whatsoever, but such as by some former Law or Contract are to be paid with Conveniency, shall be levied on the People, with the said Allowance.

CXXX. Any light Hogshead, or Parcels of Tobacco, after the same shall be passed at any Public Warehouse, but not stamped, may be delivered out by the Inspectors to the Owner of their Notes, and such Tobacco may be carried away for the better Sorting or Stemming of the same: *Provided*, The Person receiving such Tobacco, shall pay for the Inspection thereof, after the Rate of Five Shillings for every Eight Hundred Weight; and such Tobacco shall not be shipped off, until it shall be again inspected, passed, and stamped, for which the Inspector shall again receive the established Fee, under the same Penalties as are inflicted in 3 & 4 *Geo. 2. cap. 3.* and 5 & 6 *Geo. 2. cap. 9.* respectively, for shipping off and taking on board any Vessel, Tobacco not viewed and stamped, or in Bulk.

CXXXI. The Owner of any Transfer Notes may, at any Time, receive and mark Hogsheads of Tobacco, for satisfying such Notes, and the Inspectors* shall * *Pa. 6.*
 take in their former Notes, and deliver new Crop *App.*
 Notes for such Hogsheads, and shall be answerable for the safe keeping thereof, as they now are for Crop Tobacco; but the Person receiving such Hogsheads, shall pay to the Inspectors Five Shillings and Six Pence, for the Inspection and Nails, for every Hogshead; that is to say, Two Shillings and Six Pence down, and Three Shillings when the Tobacco shall be delivered out.

CXXXII. The Inspectors shall sell all Transfer Tobacco, not so received and marked, before *September*
 P p Court,

Ann. 1734 Court, Yearly, at the respective County Courts in that
Cap. 1. Month; and shall pay the Money arising from such
Pa. 6. Sale, in Satisfaction of their Notes, to the Proprietors
App. thereof, from Time to Time making their Demand; under the same Penalty as is inflicted for not paying Inspectors Notes.

CXXXIII. All Inspectors, when required, shall prise any Hogsheaf of Tobacco under Eight Hundred Pounds nett, so as to make it up that Weight; but shall receive the same Fee upon such Hogsheaf, as for Transfer Tobacco, and make the lawful Abatements for what shall be prised in.

CXXXIV. Where any Tobacco shall be refused, and the Owner is willing to pick the same, he shall be allowed a Month for so doing, after which Time the Inspectors may burn it; except where the Tobacco is in a Sweat, or the Circumstances and Accidents of Weather may have prevented the handling of it: But if the Owner refuses to pick it, after Refusal, it shall be immediately burnt. And where, in picking, the Trash shall be separated, it shall be burnt by the Inspectors the same Day; on Penalty of forfeiting Five Shillings for every Failure: To be recovered, before any Justice of the County, by the Informer.

CXXXV. All Crop Tobacco, when received out of any Warehouse, shall be liable to a View, as Transfer Tobacco is; and if the same be condemned, the Inspectors shall make Satisfaction to the Owners thereof, as by the former Acts is provided for Transfer Tobacco.

CXXXVI. One Inspector shall constantly attend, after the Time limited for receiving Tobacco into the Public Warehouses, until their County Court in *September*, Yearly, to deliver out the Tobacco remaining in such Warehouses: And where Two Houses are under one Inspection, one Inspector shall attend the said Warehouses alternately: And where any Tobacco shall be brought to any Public Warehouse by the Overseer of the Owner thereof, the Inspectors shall give Notes in the Owner's and not the Overseer's Name.

CXXXVII. After *November* next, no Inspector shall be allowed in his Accounts for Nails; but the Nails of all Crop Tobacco shall be furnished by the Owners thereof; and the Inspectors shall receive Six Pence for every Hogsheaf of Transfer Tobacco, from the Owners thereof, over and above Five Shillings for Inspection.

CXXXVIII. The

CXXXVIII. The Justices of every * County where *Ann. 1734* any Warehouses are built, shall, once a Year, at least, *Cap. 1.* appoint Two or more of their Number, to examine *Pag. 6.* and try the Weights, at the several Warehouses, by the **Pa. 7.* Standard Weights of the County: And where any Coun- *App.* ty shall not be provided with Standard Weights, the said Justices shall provide, at the County Charge, Brass Weights, of the lawful Standard; to wit, One Twenty Five Pound Weight, One Twelve Pound, One Six Pound, One Four Pound, One Two Pound, and One One Pound Weight: Which Weights shall be kept in some safe Place in the County, and shall not be removed thence, except for trying the Weights at the several Warehouses. And if the Weights at any of the said Warehouses shall be found deficient, or differing from the lawful Standard, the said Justices shall cause the same to be amended, and made conformable to the Standard, at the Charge of the County.

CXXXIX. Any Three Justices, not being Inspectors at any Public Warehouse, whereof Two shall be of the *Quorum*, may hear all Complaints against any Inspector within their County, and take the Depositions of Witnesses upon the Matter of such Complaint, on both Sides; which shall be transmitted by them to the Governor and Council, for their Determination: And the Clerk of the County, or some sufficient Person by him to be appointed, shall attend the said Justices for that Purpose, and be paid by the County the same Fee as by Law established, for attending the Examination of Witnesses, upon a *Dedimus potestatem*. And the said Justices shall have Power, to visit all or any the Public Warehouses within their County; and if they discover any Negligence in the Inspectors, in securing the Tobacco, stowing the same away, not keeping a sufficient Number of Hands for dispatch of Business, or not attending constantly, they shall certify the Governor and Council thereof; and if thereupon any Inspector shall be adjudged guilty of a Breach of Duty, he shall be removed from his Office, and for ever after be incapable of serving in the Office of an Inspector.

CXL. The Clause in the 3 & 4 *Geo. 2. cap. 3.* (See Sect. 55.) prohibiting the Master of any Vessel to employ his Sailors in carrying Tobacco to any Warehouse, and obliging him to pay Four Shillings for every Hoghead put on board by the Owner, is hereby repealed, and made void.

Ann. 1734 **CXLI.** No Person shall buy, sell, or receive, in Satisfaction of any Debt or Contract, any Tobacco, till the same shall have been viewed, and passed, as aforesaid, and Inspectors Notes delivered out for it; but the Buyer and Seller, Receiver and Payer of such uninspected Tobacco, * shall each, forfeit Ten Shillings Current Money, for every Hundred Pounds of Tobacco so received and paid, or bought and sold; and so in Proportion: To be recovered, with Costs, in any Court of Record, if it be Twenty Five Shillings, or more; and if under that Sum, before any Justice of the County; and such Justice shall issue an Execution against the Body or Goods of the Offender, accordingly.

Cap. 1.
Pa. 7.
App.
**Pa.* 8.
App.

CXLII. If any Person shall carry any Tobacco, or being the Owner thereof, shall employ or suffer any other Person to carry the same by Land, or Water, into *North-Carolina*, or *Maryland*, without due Entry made with the Officers of the Customs in the District where such Owner resides, and a Permit legally obtained, every such Person so respectively offending, shall forfeit the same Penalty: To be recovered by the Informer, as aforesaid, so as all Prosecutions for the said Penalties, be commenced within Two Years after the Offence committed.

CXLIII. *Provided*, No Permit be granted for carrying Tobacco into either of the said Provinces, until the same hath been first passed and stamped.

CXLIV. The several Penalties in the 3 & 4 *Geo.* 2. *cap.* 3. of Twenty Pounds *per* Hogshead, and of Forty Shillings *per* Hundred, (Sect. 66.) are hereby repealed: But so much of the said Act as relates to the Seising such Tobacco, and taking Examinations of Witnesses in *Maryland*, shall remain and continue in Force; and shall be extended to the like Cases, with Respect to *North-Carolina*.

CXLV. Where any Justice shall know, or receive Information, upon Oath, of any Tobacco being pressed in any Cask, Chest, Case, or other Package whatsoever, in order to be shipped off, he, or any Constable by his Warrant, may enter any suspected House, and break open all Doors, by Night or Day, to search for the same; and finding any Tobacco pressed in any Cask, Chest, or Case, not containing Two Hundred Weight nett, or any other Package made up in Linen Cords, or Spun-yarn, of any Weight whatsoever, such Justice or Constable shall seize and destroy the same; and the Person in whose Possession

such

such Tobacco shall be found, shall forfeit to the Informer *Ann. 1734*
 Ten Shillings Current Money, for every Hundred Pounds *Cap. 1.*
 Weight; and so in Proportion: To be recovered, as in *Pag. 8.*
Sect. 141. And any Justice, or Constable, sued for any App.
 thing done in Execution of this Act, may plead the Ge-
 neral Issue, and give this Act in Evidence: And if the
 Plaintiff be nonsuit, or Judgment pass against him, up-
 on a Verdict, or Demurrer, the Defendant shall recover
 double Costs.

CXLVI. No Tobacco shall be carried by Water, to
 be inspected out of the District appointed for the several
 Naval Officers wherein the same is * made; or being so
 carried, shall not be inspected and passed by any Inspec- ** Pa. 9.*
 tors, knowing the same to be made out of such District; *App.*
 on Pain of forfeiting, by the Owner of such Tobacco,
 and the Inspectors passing the same, respectively, Twenty
 Shillings for every Hogthead: To be recovered by the In-
 former, as aforesaid.

CLXVII. The Act 3 & 4 Geo. 2. cap. 3. for so much
 thereof as is not repealed or altered by 5 & 6 Geo. 2. cap.
 9. or by 5 & 6 Geo. 2. cap. 1. or by this present Act,
 shall continue and be in Force from the 9th of November,
 1735, for Four Years next following, and no longer. And
 so much of 5 & 6 Geo. 2. cap. 9. as is contrary to any
 Thing contained in this Act, is hereby repealed.

CXLVIII. 10 Geo. 2. cap. 3. The Clause of 8 Geo. 2.
 cap. 3. prohibiting the buying, selling, or receiving To- *Ann. 1736*
 bacco before the same was inspected, and Inspectors Notes *Cap. 3.*
 delivered for it, is hereby repealed. *Pag. 7.*
App. II.

CXLIX. The Clause repealing the Warehouse at
Shoccoe's, in *Henrico*, and establishing one in its stead at
Wilkinson's, and the Warehouses at *Warwicksqueak* in
 the *Isle of Wight* County, and at *Munford's* in *Prince*
George, so far as concerns the said Three Warehouses only,
 is repealed; and after the 29th of November next, the
 same shall be revived and continued, at the Rent of Forty
 Pounds *per Annum* for *Shoccoe's*; Ten Pounds *per Annum*
 for *Warwicksqueak*; and the same at *Munford's*; to com-
 mence from the * Tenth Day of November, 1735, and be ** Pag. 8.*
 paid by the Inspectors for the said Warehouses; each of
 whose Salaries at *Shoccoe's* shall be Forty Pounds, at
Warwicksqueak and *Munford's* Thirty Pounds *per Ann.*
 Public Warehouses shall be erected on Capt. Barber's
 Land opposite to *Totaskey* Warehouse, under the same In-
 spection, at the Rent of Five Pounds *per Annum*. On
Piscataway, on *Philip Jones's* Plantation, under the
 same

Ann. 1736 same Inspection as *Bowler's*, at Five Pounds *per Annum*.
Cap. 3. On the lower Side of *Occoquan*, on the Land of *Valentine*
Pag. 8. *Peyton*, under the same Inspection as the Warehouse
App. II. already established at Five Pounds *per Annum*. And on
 the North Side of *Wiccocomico*, upon the Land of *Charles*
Fallin, under the same Inspection as the Warehouse al-
 ready established on the South Side the said River, at
 Five Pounds *per Annum*. Which Warehouses shall be
 built by the several Owners of the Land; or, if they re-
 fuse, the Justices of the several Counties shall order the
 same to be built, and levy the Expence thereof on the
 Tithables in their respective Counties, and receive the
 Rents for the Use of the County.

CL. Where there shall not be sufficient Room in any
 Public Warehouse for receiving or securing Tobacco, or
 any Prises, Wharfs, or Repairs, shall at any Time be
 wanting, if, upon Application of the Inspectors to their
 County Courts, for building and making other necessary
 Houses, Wharfs, and Repairs, such County Courts shall
 refuse or fail to do their Duty therein, every Justice
 so refusing or failing, shall forfeit One Thousand Pounds
 of Tobacco, One Moiety to the King, &c. for Support
 of this Government, the other to the Informer: To
 be recovered in the General Court, with Costs, by Action
 of Debt, or Information, against such Justices jointly.

CLI. The Inhabitants of *Fleet's Bay*, and on the
 South Side of *Indian Creek* in *Lancaster County*, may
 carry their Tobacco by Water, to the Warehouse at *In-*
dian Creek; and the Inhabitants of *Warwick'squeak Bay*,
 and the Parts adjacent, may carry their Tobacco by Wa-
 ter, to be passed at any Warehouse in the Upper District
 of *James River*.

CLII. The Notes of *Lawrence's Warehouse*, in *Nan-*
semond, shall pass in Payment of Quit-Rents, Levies, and
 Officers Fees, in *Brunswick County*: And those of *Hamp-*
ton Warehouse, in *Elizabeth City*, in the County of
Warwick.

CLIII. The Allowance to the Inhabitants of *Amelia*
 County, for paying Quit-Rents, Levies, and Officers
 Fees in Inspectors Notes, shall be settled at Thirty *per*
Cent. Any Thing in the Act of 8 Geo. 2. cap. 1. not-
 withstanding.

CLIV. The Inspectors shall pay, yearly, to commence
 from November the Tenth, One Thousand Seven Hundred
 and Thirty Five, to the respective Owners of *Gibson's*
 Warehouse, an additional Rent of Five Pounds; of No-
 mini,

mini Warehouse Six Pounds; of *Cabbin-Point* Warehouse Seven Pounds; of *Falmouth* Warehouse Fourteen Pounds; of *Indian-Creek* Warehouse Three Pounds Ten Shillings; of *Quarles's* Warehouse Three Pounds; of *Ayler's* Warehouse Six Pounds; and of *Mantapike* Warehouse Two Pounds Ten Shillings; and an additional Rent of Ten Pounds *per Annum*, from the Ninth of November next, to *Page's* Warehouse. Ann. 1736
Cap. 3.
Pag. 9.
App. II.

CLV. Any Party grieved, may prosecute an Action upon the Case, and recover all Damages sustained, with full Costs, by Occasion of any Failure of Duty, or Negligence of any Inspector, in not attending to receive, inspect, and deliver out Tobacco, or neglecting to take due Care of it after it is brought to the Warehouse.

CLVI. All Inspectors, at their County Court in September, shall lay before the Court, an Account, upon Oath, of all the Transfer Tobacco remaining at that Time in their Hands, before the same shall be exposed to Sale; and if there shall be no Court in that Month, shall make Oath to their Account, before some Justice of the *Quorum* of that County, and deliver the same to him, to be returned to the next County Court.

CLVII. No Person who, after the Tenth of November next, shall hold the Office of an Inspector, shall, during the Continuance of the Act *For amending the Staple of Tobacco, and for preventing Frauds in his Majesty's Customs*, be elected to serve as a Burgess, or be capable of sitting as a Member in the General Assembly: And no such Inspector (while such) shall, in any Manner, intermeddle or concern himself with any Election for Burgesses, or ask any Freeholder who he will vote for, or be present at any such Election; under the Penalty of Ten Pounds: To be recovered, by Action of Debt, or Information, in any Court of Record; One Moiety to the King, &c. towards Support of this Government, the other to him or them that will sue or inform for the same.

CLVIII. 10 Geo. 2. cap. 9. So much of the Act of Ann. 1736 3 & 4 Geo. 2. cap. 1. and the Oath therein directed, Cap. 9. to be taken by the Constables, so far as the same directs the cutting up Slips and Suckers, not turned out and tended, in order to make Seconds, is hereby repealed: And no Planter shall be obliged to cut up the Suckers growing naturally from the Root or Stalk of any Tobacco Plants that have been cut down. Ann. 1736
Cap. 9.
Pag. 26.
App. II.

CLIX. Every

Anno 1736 **CLIX.** Every Constable shall take the following
Cap. 9. Oath, before some Justice of the County wherein he
Pag. 26. resides, which such Justice may and shall administer, *viz.*
App. II.

I A. B. do swear, That I will diligently and carefully view the several Fields and Places whereon Tobacco shall be planted and tended, within the Precinct whereof I am Constable, and will make true Information of all Persons within my said Precinct, whom I shall know to be guilty of the Breach of any Law of this Colony, made against tending of Slips or Seconds, to the next Court held for my County, after the same shall come to my Knowledge. So help me God.

CLX. Every Constable performing his Duty according to the Directions of this Act, and the said Act of 3 & 4 Geo. 2. cap. 1. so far as the same is in Force, shall have the Encouragement by the said Act directed.

CLXI. *Provided,* The Justices shall not levy any Tobacco for the Constables, if it shall appear to them that they have not made their Perambulations, and done their Duty according to the true Intent and Meaning of the said Act.

CLXII. If any Constable refuses to take upon him the Duty directed by the said Act, or taking the Oath hereinbefore directed, neglects his Duty, he shall forfeit One Thousand Pounds of Tobacco; One Moiety to the King, &c. towards Support of this Government, the other to the Informer: To be recovered, by Action of Debt, in any Court of Record.

TOBACCO-PLANTS.

Ann. 1684 § I. 36 *Car.* 2. ‡ **I** F any Person or Persons, to the
Cap. 2. *cap.* 2. Number of Eight, or above, being
‡ *Pag.* 89 assembled together, shall intend, go about, practice, or put in Use, with Force, unlawfully to cut or destroy any Tobacco-Plants, in Beds or Hills; or to destroy the same, curing or cured, before the same is in Hogsheads, or after, or to pull down, burn or destroy the Houses or other Places, where any such Tobacco shall be, or to pull down the Fences or Inclosures of any Tobacco-Plants, with Intent to cut up and destroy the same, (and such Person or Persons being commanded, or required, in His Majesty's Name, by the Governor, or Commander in Chief, or one of the Council, or one or more Jus-

vices of the Peace, to disperse and depart peaceably to their Habitations) shall continue together by the Space of Four Hours after such Proclamation made, at or nigh the Place where such Persons shall be so assembled, then every such Person so willingly assembled, in forcible Manner to do any of the Acts aforementioned, and so continuing together, as aforesaid, and being thereof lawfully convicted, shall be deemed, declared, and adjudged to be Traitors; and shall suffer Pains of Death, and also lose and forfeit as in Cases of High Treason. *Ann. 1684. Cap. 2. Pag. 89.*

II. *Provided*, No Person shall incur the Pains and Penalties hereby inflicted, unless he be prosecuted and indicted thereupon, within Twelve Months after the Offence committed.

TOWN-LANDS.

§ I. 4 *Ann. cap. 44.* **W** H E R E any County hath purchased, laid out, and paid, for any Land, for a Port, or Town, pursuant the 3 *Will. & Mar. cap. 8.* (1691.) or to any other Act of Assembly, and hath vested the same in Feoffees, or Trustees, according to the said Act, or Acts, such Feoffees or Trustees so invested, are hereby declared to have a good, absolute, and indefeasible Estate in Fee in such Land, which hath not been disposed of by the former Trustees, in Trust and Confidence to and for the Uses in the said Act of 3 *Will. & Mar.* mentioned, and for no other Use or Purpose; and such Lands are hereby confirmed to such Feoffees, in Fee, to such Use or Uses, notwithstanding the Suspension of the said Act, or any other Law, Statute, Usage, or Custom. *Ann. 1703. Cap. 44. Pag. 208.*

II. Where any County, pursuant to the said Act, hath purchased, laid out, and paid for, Fifty Acres of Land, and the same by the * Death, or Refusal of the Proprietor, or other Accident, hath not been conveyed to Trustees, according to the said Law or Laws, such Lands are hereby confirmed to such Feoffees or Trustees, as by Virtue of this Act shall be appointed by the County Courts, to and for the Uses aforesaid, in as full and ample Manner as if such Lands had been actually conveyed in Law, by such Proprietors, to such Feoffees, or Trustees, in Manner as by the said Act of 3 *Will. & Mar.* is expressed. **Pag. 209.*

III. If in any County, the Feoffees or Trustees appointed by Virtue of the said Act, be dead, or departed out

Ann. 1705 of this Country, the Court of such County may and shall
Cap. 44. appoint other Feoffees or Trustees, who are hereby con-
Pa. 209. firmed and invested in the Fee of all such Land or Lands,
 (not by former Trustees disposed of) to the Use or Uses
 aforementioned. And all Feoffees or Trustees, may and
 shall, in their respective County, convey any Lot or Lots,
 Half Acre, or Half Acres of Land, to such Persons as
 desire to take up the same, according to the said Act of
 3 *Will. & Mar.* and upon the Conditions therein speci-
 fied, as if the said Act had never been suspended.

IV. If any Person hath purchated and paid for any
 Lot, pursuant to the said Law, and fully complied with
 the Conditions in the said Law mentioned, such Per-
 son is hereby declared to have a good, absolute, and
 indefeasible Estate in Fee to such Lot, and the same is
 hereby confirmed to such Person, and his or her Heirs,
 for ever.

TRANSPORTATION of DEBTORS, &c.

Ann. 1705 § I. 4 *Ann.* **N**O Master of any Vessel shall trans-
Cap. 12. *cap.* 12. port or carry any Person out of this
Pa. 146. Colony, without a Licence, or Pass, signed by the Se-
 cretary or such other Person as he shall depute for
 that Purpose, upon Penalty of paying every Debt
 and Duty such Person, at going out of the Colony shall
 * *Pa.* 147 owe, or stand obliged for, to the Queen, &c. or any *
 Inhabitant, Merchant, or Trader here, by Judgment,
 on Record, Bill, Bond, Covenant, Account, or any other
 Ways or Means whatsoever, by Action of Debt, in any
 Court of Record.

II. No Master of any Vessel shall transport any Ser-
 vant, or any Negro, Mulatto, Indian, or other Slave,
 out of this Colony, without a Pass, as aforesaid, or the
 Consent, Leave, or Permission of the Owner of such Ser-
 vant, or Slave, on Penalty of forfeiting Fifty Pounds
 Current Money, for every such Servant, and One Hun-
 dred Pounds Current Money, for every such Slave so
 transported; One Moiety to the Queen, &c. towards
 Support of this Government, the other to the Party
 grieved: To be recovered, by Action of Debt, Bill, Plaint,
 or Information, with Costs, in any Court of Record;
 no Effoin, Protection, or Wager of Law to be al-
 lowed.

III. Any Master of a Vessel offending against this
 Act, shall be liable to be sued at any Time for any
 Debt

Debt due and owing, as aforesaid, from any Person *Ann. 1703*
he shall transport, notwithstanding any Act for Limi- *Cap. 12.*
tation of Actions, or any other Law, Usage or Custom. *Pag. 147.*

IV. The Secretary, or any Deputy by him appointed, shall not grant any Pass for transporting any Person out of this Colony, unless sufficient Bond, with Two Sureties, be given to the Secretary, to the Value of Two Thousand Pounds *Sterling*, with Condition to answer and pay every Debt and Duty such Person, at going out of this Colony shall owe, or stand obliged for, by any Ways or Means whatsoever, or unless such Person has a Certificate from a County Court Clerk, in the Form following :

I A. B. Clerk of County Court, do hereby certify,
That C. D. is, and for some Time past hath been, an In-
habitant of this County, and hath published his Inten-
tions of going out of this Colony, according to Law.
Dated this Day of

V. No County Court Clerk shall issue such Certifi-
cate for any Person till Ten Days after Publication hath
been made in his County, of the said Person's Intenti-
ons to go out * of this Colony, by a Note thereof set **Pa. 148.*
up at the County Court-house on a Court Day.

VI. Notwithstanding such Certificate, if a Caveat be
entred to hinder a Pass thereupon, and sufficient Bond
given with one Surety, payable to the Secretary, for the
Sum of Five Hundred Pounds, by the Person entring
such Caveat, with Condition to answer and pay all
Damages which the Party stopped by such Caveat shall
recover ; the Secretary, if the Caveat is entred with him,
or any of his Deputies, with whom such Caveat is en-
tred, shall not grant a Pass upon such Certificate, un-
less the Party so stopped shall give sufficient Bond with
one Surety also, to the Secretary, for double the Sum
claimed by the Person entring the Caveat, with Con-
dition to answer and pay whatever the said Person
shall recover of his pretended Claim.

VII. *Provided*, The said Surety or any other Sureties
for Persons going out of this Colony, after the Expi-
ration of Two Years, shall be discharged from all
Claims and Demands whatsoever, by Virtue of their
being Sureties, as aforesaid, except such for which Suit
shall be then depending, or hath been commenced with-
in that Time.

Ann. 1705 *Cap.* 12. *Pag.* 148. VIII. The Secretary shall appoint, have, and keep in each District of the Colony, at least One Deputy, for granting Passes to any Person within the District, or, on Failure to appoint such Deputies within Two Months after any Vacancy happens, or, on Appointment, to signify to the several County Court Clerks in each District, what Person he hath appointed for the said District, shall forfeit Fifty Pounds Current Money, for every such Failure; One Moiety to the Queen, towards Support of this Government, the other to them that will sue for the same, in any Court of Record, by Action of Debt, Bill, Plaint, or Information; no Effoin, Protection, Privilege, Wager of Law, or more than one Impar lance to be allowed.

IX. If any Person desirous to go out of this Colony, in order to obtain a Pass for it, shall offer to give Bond with Sureties, or produce a County Court Clerk's Certificate, according to this Act; and the Secretary or his Deputy to whom such Bond is offered, or Certificate produced, refuses to grant a Pass thereupon, unless Caveat be entred, according to this Act, to hinder the same, the Secretary or his Deputy so refusing, shall † *Pa.* 149. forfeit Five Hundred Pounds * Current Money; One Moiety to the Queen, &c. towards Support of this Government, the other to the Party grieved, prosecuting within Six Months after such Refusal; and after, to the said Party, or any other Informer: To be recovered, with Costs, in any Court of Record, by Action of Debt, Bill, Plaint, or Information; no Effoin, Protection, Wager of Law, or more than one Impar lance to be allowed.

X. Every County Court Clerk shall register in his Office, all Certificates by him issued, in Pursuance of this Act, and the Secretary's Deputies shall, in *October* General Court, yearly, return Certificates of all Passes by them respectively granted the Year before, to the Secretary's Office: And the Clerk of such Office shall there register all the said Certificates, as they come to his Hands, or in a reasonable Time after. And if the Secretary grants any Pass himself, he shall take Care a Certificate thereof be registred in his Office within a Year after granting it: And every of the Persons aforesaid, failing in his Duty, in any Particular, shall, for every such Failure, forfeit Five Pounds Current Money; One Moiety to the Queen, &c. towards Support of this Government, the other to the Informer:

To be recovered with Costs, in any Court of Record, *Ann. 1705*
by Action of Debt, Bill, Complaint, or Information; no *Cap. 12.*
Effoin, Protection, or Wager of Law to be allowed. *Pag. 149.*

XI. All Acts, &c. relating to the clandestine Transportation of Debtors, Servants, and Slaves out of this Colony, repealed.

TREASURER.

§ I. 9 Geo. 1. *ALL* Money rais'd by 9 Geo. 1. *cap. 1. Ann. 1723*
cap. 8. shall be accounted for and paid by *Cap. 8.*
the Collectors, to the Treasurer, for the Time being. *Pag. 345.*

II. *John Holloway*, Esq; is appointed Treasurer, and impowered to receive all Money arising by the said Act from the several Collectors, and shall detain the same in his own Possession, till ordered to dispose thereof, in such Manner, by such Warrant, and for such Uses as in the said Act mentioned.

III. The Salary of Four *per Cent.* shall be allowed to the said Treasurer, out of all Money by him received, and accounted for to the General Assembly, according to the said Act.

IV. The said *John Holloway*, before Entry or Admission into the said Office, shall give Bond in the Secretary's Office, with sufficient Security in the Sum of Six Thousand Pounds *Sterling*, payable to the King, &c. for the true Discharge of the said Office.

V. *Provided*, In case of the said Treasurer's Death, Departure out of the Country, or other legal Disability, the Governor, or Commander in Chief, * with Advice of the Council, may appoint such other Person as he shall think fit, to execute the said Office, according to the Directions in this Act; who shall enjoy the said Office, with the Profits thereof, until the next Session of Assembly, giving such Bond and Security as before directed. *Pag. 346.*

VI. The several Burgeesses of this Assembly, shall be paid for their Attendance, Coming and Returning, this Session, in Current Money, at the Rate of Ten Shillings *per* Hundred, for Tobacco.

VII. The several Sums, of Four Thousand Pounds, and Twelve Hundred Pounds, mentioned in 8 Geo. 1. *cap. 1.* (See *Tar and Hemp. Sect. 1.*) now in the Hands of *Peter Beverley*, Esq; late Treasurer, are declared to remain unappropriated, notwithstanding that Act. And if at any Time there happens a Deficiency of Money in the Hands of the Treasurer for the Time being, to discharge the

Ann. 1723 the several Premiums in that Act given, such Deficiency
Cap. 8. ought to be made good, and such Premiums paid out of
Pag. 346. the First Money thereafter coming into such Treasurer's
 Hands, by Virtue of any Imposition Act, or any other
 Money in such Treasurer's Hands, not then appropriated.

VIII. *It's Declared*, That this and all other Assemblies are bound to take Care that there may always remain unappropriated, in the Hands of the Treasurer, for the Time being, sufficient Money to discharge all the Premiums by that Act given, as they become due, or to make good the same, by the speediest Methods possible.

IX. The said *Peter Beverley*, Esq; shall immediately pay unto the said *John Holloway*, Three Thousand
 † *Pa.* 347. Pounds; and † all other Public Money remaining in his
 Hands, within Six Months after. And the Governor is
 desired to issue his Warrants to the said *Holloway*, for
 Payment of the Burgesses Salaries, and all other Payments
 ordered by this Assembly, not discharged by the said
Beverley; which the said *Holloway* is required to discharge;
 and to account upon Oath, to the next General Assembly,
 for all Money received of the said *Beverley*, by Virtue of
 this Act; and all Payments by the said *Holloway*, to be
 made without any Fee or Allowance.

Ann. 1726 X. 12 Geo. 1. cap. 2. *John Holloway* appointed Treasurer
Cap. 2. of the Revenues arising by 12 Geo. 1. cap. 1. with
Pag. 355. the same Power as in Sect. 2. the same Salary as in Sect. 3.
 to give Bond of Four Thousand Pounds, with such Provision,
 in case of his Death, Departure out of this Country, or
 Disability, as in Sect. 5. See next Sect.

Ann. 1734 XI. 8 Geo. 2. cap. 16. The Act of 12 Geo. 1. cap. 2.
Cap. 16. and the Clauses in the Acts of 5 & 6 Geo. 2. cap. 2 &
Pag. 35. 3. appointing *John Holloway*, Esq; Treasurer of the
App. Duties therein-mentioned, and the Powers and Authorities
 thereby granted to him, are repealed; and Sir *John Randolph*,
 Knight, is hereby appointed Treasurer of all the said Duties,
 to hold that Office with all the Powers, Authorities, Salaries,
 and Profits, granted by the said Acts, or either of them, or
 any other Act of Assembly, to the said late Treasurer, during
 the Continuance of the said Duties, by Virtue of the said Acts,
 or any other Act of Assembly; and shall apply all Sums of
 Money by him received, in Virtue of his Office, to such Uses,
 and upon such Warrants, as by the said former or any other
 Acts of Assembly is or shall be directed, and shall be
 accountable for the same, from Time to Time, to the General
 Assembly. See Duties. Sect. 34. & 49.

XII. The

XII. The said new Treasurer, before he enters on his Office, shall give such sufficient Security as the Governor shall approve, in the Sum of Five Thousand Pounds, for the due answering and paying all Money by him received, as aforesaid. Ann. 1734
Cap. 16.
Pag. 36.
App.

XIII. The said new Treasurer shall be allowed Fifty Pounds *per Annum*, for his Trouble, in auditing and settling the Inspectors Accounts.

XIV. In Case of his Death, Resignation, or Disability, the Governor, or Commander in Chief, with Advice of the Council, may appoint some other fit and able Person to be Treasurer of the said Duties; to hold the Office, with all the Powers, Salaries, and Profits, aforesaid, until the End of the next Session of Assembly.

XV. The said new Treasurer is hereby fully impowered to settle and pass the said late Treasurer's Accounts, allowing him One Hundred Pounds for his Trouble, in settling the Inspectors Accounts in 1732, and 1733; and to take into his Hands, all such Mortgages and other Securities, for Money due to the said late Treasurer, as his Securities shall assign; and to demand, receive, and recover the Money due thereupon, or so much thereof as shall be sufficient to discharge the said late Treasurer's Debt; and in Case they shall not be sufficient, to sue for and recover so much as shall be wanting out of the said late Treasurer's other Estate, and to discharge the said late Treasurer and his Securities, for so much as shall be so received, or recovered.

XVI. The said late Treasurer, or the Treasurer for the Time being, may sue out one or more Writ or Writs of *Scire facias*, in the Name of the King, His Heirs and † Successors, against the said late Treasurer, or any of his Debtors, to shew Cause why Execution should not issue against them; and may obtain and sue out Executions accordingly. † Pa. 37.
App.

XVII. The said new Treasurer is impowered to borrow so much Money as shall be sufficient to discharge all the Money ordered by the last Session of Assembly, now unpaid, together with the Charge of this present Session of Assembly, and all Sums of Money unpaid of the Expence of executing the Act of 3 & 4 Geo. 2. cap. 3. for the Years 1732, and 1733; which Money so to be borrowed, with the Interest thereof, shall be allowed to the said Treasurer, in his Accounts.

Ann. 1736 XVIII. 10 *Geo.* 2. *cap.* 1. The Duties of Three Pence,
Cap. 1. and One Penny, laid by 12 *Geo.* 1. *cap.* 1. and 5 & 6
Pa. 1. *Geo.* 2. *cap.* 2. upon Rum, Brandy, and other distilled
App. II. Spirits, and Wine, shall be paid or secured, for every Gallon of the said Liquors, imported from any other Plantation, by Land, by the Owner or Importer thereof, during the Continuance of the said Acts; to be appropriated respectively to the same Uses, as the said Duties by the said Acts, and 8 *Geo.* 2. *cap.* 15. are appropriated: And the Owners or Importers thereof, shall enter the same, within Six Days after Importation, with the Collector appointed by this Act, and give a true Account of the Quantities thereof, upon Oath, to such Collector, (who shall give a Permit under his Hand for selling the same) upon pain of forfeiting such Liquors: To be recovered or seized by any Person, whatsoever.

XIX. If any Controversy shall arise, touching the Importation or Property of the said Liquors, the *Onus probandi* shall lie upon the Owners or Importers thereof.

XX. The Governor, or Commander in Chief, with the Advice of the Council, may appoint such and so many Collectors of the said Duties, with such Salaries, not exceeding Six Pounds in the Hundred, for collecting the same, as to him shall seem best: Which Collectors shall account and pay the same to the Treasurer for the Time being, who shall account for the same as for other Duties.

XXI. Any Collector of the said Duties may enter any House by Day time, or if Occasion be, by Warrant under the Hand of a Justice, in Company with a Constable, break open any House in the Day time, to search for, seize, and carry away any such Liquors, for which the said Duties have not been paid or secured; and if any such Collector or Constable shall be sued for any Thing done in Execution of this Act, he may plead the General Issue, and give this Act and the special Matter, in Evidence; and if in any such Suit, the Plaintiff shall be Nonsuit, or Judgment pass against him, the Defendant or Defendants shall recover double Costs.

XXII. The Forfeitures incurred by Virtue of this Act, shall be divided into Three Parts, One Third to the King, &c. towards Support of this Government, One other Third to the Governor, or Commander in Chief,

Chief, and the other to him who seises or sues for the same ; to be recovered with Costs, by Action of Debt, or Information, in any Court of Record. *Ann. 1736*
Cap. 1.
Pa. 3.
App. II.

XXIII. *Provided*, The same Allowance for Leakage and Payment of Duties in Imported Money, shall be made to the Owner or Importer of such Liquors imported by Land, as by the said Acts are allowed.

XXIV. The Buyer of any Slave or Slaves imported, shall pay down, or secure to be paid, within Forty Days after the Purchase, the Duty laid on such Slaves, by 5 & 6 Geo. 2. cap. 3. to the Collector. And if any Slave or Slaves, for which the said Duty has been paid, shall die, within Forty Days after the Purchase ; upon Oath thereof made before any Justice, such Buyer shall draw back the whole Duty, and the Collector thereof shall repay the same.

XXV. One Collector only for every District within this Colony, shall be appointed for Collecting the said Duty ; and every Buyer failing to pay or secure the same to be paid, shall be liable to the Penalties in the said Act.

XXVI. Every Person to whom any Slaves shall be consigned for Sale, shall, within Two Months after Arrival of the Ship importing the same, deliver to the Collector of the said Duty in the District where the same are imported, a true Manifest or Account of all the Slaves by him sold, the Names and Places of Abode of every Person buying the same, the Prices sold at, and the Number of Slaves then unsold : And if any then remain unsold, shall transmit the like Manifest or Account to the said Collector within Twenty Days after they are all sold ; and on the said Manifest make Oath before some Justice (who may and shall administer the same,) That the Manifests by him delivered or transmitted to the Collector, contain a true Account of all the Slaves by him sold out of such Ship, including as well the privileged Slaves, if sold by him, as those belonging to the Owners. And every Master of a Vessel importing Slaves, shall, before his Clearing, deliver the like Manifest upon Oath, of all the privileged Slaves imported ; to whom sold, and at what Price. And the Collector shall, within Ten Days after the said Manifests returned to him, deliver to the Treasurer of the said Duty, a true Account of all the Persons who have purchased Slaves, and have not within Forty Days after the Purchase, paid the Duty : And so, from Time to Time, after the Expiration of the

Ann. 1736 said Forty Days; and such Return duly made, shall
Cap. 1. entitle the Collector to his Salary, for the Duty, out of
Pa. 4. the Forfeitures, or any former Paiment, when the same
App. II. shall be recovered in Manner hereafter mentioned.

XXVII. The Treasurer of the said Duty may commence and prosecute any Action or Information, *quitam*, in the General Court, for Recovery of any Penalty inflicted by 5 & 6 *Geo. 2. cap. 3.* for not paying the said Duty, tho' the same shall not amount to Ten Pounds *Sterling*; and no Act or Time of Limitation shall be pleaded or judged to be a Bar to any such Action.

XXVIII. And wherees, some Persons who have imported Slaves, or to whom Slaves have been consigned, have refused to pay the said Duty, on Pretence that they were not liable to pay the same for such Slaves as they chose and kept for their own Use: Every such Person who hath with-held the said Duty on such Pretence, and shall not pay the same to some Collector thereof, within Two Months after passing this Act, or who shall hereafter fail to pay the said Duty on the like Pretences, shall be liable to the Penalties in the said former Act: To be recovered, as herein directed.

XXIX. *Provided*, The Treasurer may compound the said Penalties with any Person failing to pay the said Duty, before or after an Action brought.

XXX. All *Madeira* Wine imported by the Lieutenant-Governor, or the Governor or Commander in Chief, for the Time being, (not exceeding Ten Pipes in One Year) for his own Use, is hereby exempted from any Duty.

XXXI. Where any Person is or shall become bound for the Paiment of the Duties on Liquors, and hath or shall not pay the same, by the Time limited, whether such Bond be made to the King, or Collectors of the said Duties, the Collector may sue out of the General Court, or the Court of the County where such Person or his Securities reside respectively, one or more Writ or Writs of *Scire facias*, in the Name of the King, against them, to shew Cause why Execution should not issue, for the Duties so unpaid; and thereupon obtain and sue out Execution, accordingly.

XXXII. The Collectors of the Duties upon Liquors and Slaves, shall account with the Treasurer on the Twenty Fifth Day of *April*, and Twenty Fifth Day of *October*, yearly, or within Fifteen Days afterwards, upon Pain of forfeiting One Half of their Commissions; to be

be deducted out of their Accounts by the Treasurer, Anno 1736 and be by him carried to the Credit of the Public Treasury. Cap. 1.

TRESPASSES.

I. 4 Ann. **I**F any Horses, Mares, Cattle, Hogs, Sheep, *Ann. 1705*
cap. 15. or Goats, break into any Grounds, inclo- *Cap. 15.*
 sed with a strong and sound Fence, Four Foot and *Pag. 152.*
 Half high, and so close that the Beasts or Kine break-
 ing into the same, could not creep through, or with a
 Hedge Two Foot high, upon a Ditch of Three Foot
 deep, and Three Foot broad, or instead of such Hedge,
 a Rail Fence of Two Foot and Half high, the Hedge or
 Fence being so close that none of the Creatures afore-
 said, can creep thro'; (which shall be accounted a law-
 ful Fence,) the Owner shall, for the First Trespas,
 make Reparation to the Party injured, for the true * Va- * *P. 153*
 lue of the Damage he shall sustain, with Costs of Suit;
 and for every Trespas afterwards, double Damages and
 Costs of Suit: To be recovered in any Court of Re-
 cord, in such Manner as the Law in like Cases di-
 rects.

II. *Provided*, That for a Third Offence of breaking
 into Inclosures, as aforesaid, and barking Fruit Trees,
 the Party injured may sue for Damages, or kill the
 Beasts or Kine so trespassing, at his Election, without be-
 ing answerable for the same.

III. Upon Complaint of the Party injured, to any
 Justice of the County, such Justice shall issue his Or-
 der, without Delay, to Three honest Housekeepers of
 the Neighbourhood, no ways related to the Party injured,
 nor interested concerning the Trespas, reciting the Com-
 plaint, and requiring them to view the Fence where
 the Trespas is complained of, and to take Memorandums
 of the same; and their Depositions, in such Case,
 shall be good Evidence to the Jury, touching the Law-
 fulness of the Fence.

IV. If any Person damnified for want of such suffici-
 ent Fence, shall hurt, wound, lame, kill, or destroy,
 or cause the same to be done, by shooting, hunting with
 Dogs, or otherwise, any of the Kind or Breed of Horses,
 Cattle, Sheep, Goats, or Hogs, such Person shall satis-
 fy to the Owner of the Creature so hurt, wounded, la-
 med, killed, or destroyed, double Damages, with Costs;
 recoverable, as aforesaid; except the Damage alledged,

Ann. 1705 be under Twenty Shillings, and then recoverable before
Cap. 15. any Two Justices of the County, *Quorum unus.*

Pag. 153. V. All Owners of Horses, Mares, Kine, or other
 Beasts, known barking Fruit Trees, shall keep them
 within their own fenced Ground.

VI. If any Person shall take up any such Beast, and
 deliver the same to the Owner, such Owner shall pay
 the Taker-up One Hundred Pounds of Tobacco for
 every such Beast; recoverable with Costs, before any
 Justice of the County where the Beast was taken up,
 or the Owner lives.

VII. *Provided*, The Taker up, if required, shall make
 Oath before such Justice, of taking up the same; and
 that no Means were, by himself or any other Person,
 that he knows of, used to set the same at large; other-
 wise shall lose the said Reward.

Pa. 154 * VIII. Every Person taking away any Boat, or Ca-
 noe, without the Leave of the Owner, shall, for every
 such Offence, pay such Owner Five Hundred Pounds of
 Tobacco, over and above the Damage such Boat or Canoe
 shall sustain, and the Charge of regaining and bringing
 her back again: And if such Person be a Servant, he
 or she shall make the like Satisfaction by Service, after
 the Time due to his or her Master expired: And if there
 be several Actors in one such Trespass, at one Time, every
 Person shall pay the whole Fine.

IX. All Acts, &c. relating to any thing within the
 Purview of this Act, repealed.

VAGABONDS.

Ann. 1672 § I. 24 *Car.* 2. **T**H E Justices in every County, shall
Cap. 7. *cap.* 7. put the Laws of *England* against
Pag. 57. vagrant, idle and dissolute Persons, into strict Execution.
 And the County Courts may place out all Children,
 (whose Parents are not able to bring them up) Appren-
 tices to Tradesmen, the Males till One and Twenty
 Years of Age, and the Females to other necessary Empl-
 oyments, 'til Eighteen Years of Age, and no longer. And
 the Churchwardens of every Parish shall be strictly en-
 joined by the Courts, to give them an Account, annually,
 at their Orphan's Court, of all such Children within
 their Parish, as they judge to be within the said Capacity.

VESTRIES.

VESTRIES.

§. I. 13 *Car. 2.* **F**OR the Making and Proportioning *Ann. 1661*
cap. 2. the Levies and Assessments, for *Cap. 2.*
 Building and Repairing the Churches and Chapels, Pro- *Pag. 2.*
 vision for the Poor, Maintenance of the Minister, and
 such other necessary Uses, and for the more orderly Ma-
 naging all Parochial Affairs:

* II, Twelve of the most able Men of each Parish, shall * *Pag. 3.*
 be by the major Part of the said Parish, chosen to be a
 Vestry; out of which Number the Minister and Vestr-
 try shall choose Two Churchwardens, yearly: And
 in case, of the Death of any Vestryman, or his De-
 parture out of the Parish, the said Minister and Vestry
 shall choose another to supply his Room.

III. None shall be admitted to be of the Vestry, that
 doth not take the (a) Oaths of Allegiance and Supremacy
 to his Majesty, and subscribe to be conformable to the
 Doctrine and Discipline of the Church of *England.*

(a) *Those Oaths are Repealed, and others are now
 to be taken instead of them.*

VIRGINIA OWNERS.

§. I. 13 *Car. 2.* **A**N Exemption from the Paiment of *Ann. 1661*
cap. 134. the Duties of Two and Ten Shil- *Cap. 134.*
 lings per Hoghead, is granted only to the Owners and *Pag. 23.*
 Adventurers in such Vessels, as solely and wholly belong
 to the Inhabitants of this Country: And not to such Per-
 sons as are only Partners of Vessels, whose other Partners
 dwell in other Countries: And the Governor is to judge
 of such Proprieties, and certify the same to the Collectors.

II. 21 *Car. 2. cap. 5.* Whereas the Act for Encou- *Ann. 1669*
 ragement of *Virginia* Owners, exempts them from Pai- *Cap. 5.*
 ment of Two Shillings per Hoghead: *It is hereby* *Pa. 51.*
Enacted, That they be also exempted from paying the
 Castle Duties, for their greater Encouragement.

USURY.

§ I. 3 & 4 *Geo. 2.* **N**O Person, upon any Contract to *Ann. 1730*
cap. 12. be made after the 29th of Sep- *Cap. 12.*
tember 1730, shall take directly or indirectly, for Loan *Pag. 453.*
 of any Monies, Wares, Merchandizes, or other Commodities,
 above the Value of Six Pounds, for the Forbearance of
 One

Ann. 1730 One Hundred Pounds, for One Year; and so after that
Cap. 12. Rate for a greater or lesser Sum, or for a longer or shorter
Pag. 453. Time. And all Bonds, Contracts, and Assurances, made after the Time aforesaid, for Paiment of any Principal, or Money to be lent, or covenanted to be performed, upon or for any Usury, whereupon or whereby there shall be reserved or taken a greater Rate, shall be utterly void. And every Person after the Time aforesaid, upon any such Contract, taking, accepting, and receiving, by means of any corrupt Bargain, Loan, Exchange, Shift, or Interest, of any Monies, Wares, Merchandises, or other Thing; or by any deceitful Way or Means, or by any Covin, Device, or deceitful Conveiance, for the forbearing or giving Day of Paiment, for one whole Year, of or for their Money or other Thing, above the Sum of Six Pounds, for the Forbearing * of One Hundred Pounds for a Year, and so after that Rate, shall forfeit for every such Offence, the double Value of the Monies, Wares, Merchandises, and other Things, so lent, bargained, exchanged, or shifted.

**Pag.* 454

II. Every Broker, Solicitor, and Driver of Bargains, who after the Time aforesaid, shall take or receive, directly or indirectly, any Money or other Reward or Thing, for Brokage, Solliciting, or Procuring the Loan, or Forbearing of any Sum of Money, over and above the Rate or Value of Five Shillings for the Loan or Forbearing of One Hundred Pounds for a Year, and so rateably; or above One Shilling, for making or renewing the Bond or Bill for Loan or Forbearing thereof; or for any Counter-Bond or Bill concerning the same; shall forfeit for every such Offence Twenty Pounds: The one Moiety of all which Forfeitures to be to the King, towards Support of this Government, the other to them that will sue for the same; by Action of Debt, Bill, Plaint, or Information, in any Court of Record; no Effoin, Protection, or Wager of Law to be allowed.

Ann. 1734 III. 8 *Geo.* 2. *cap.* 5. * All Bonds, Contracts, Covenants, Conveiances, Agreements and Assurances, had,
Cap. 5. made, or enter'd into, before the 29th of *September*, 1730,
 **Pa.* 11. and now subsisting, whereby any Interest above the Rate
App. of Six *per Cent. per Annum*, is or was agreed to be taken or paid, shall be void and null, as to all Interest over and above Six *per Cent. per Annum*, to be computed from the Time of the first Lending, or Contract.

IV. In all Cases where Judgment shall be recovered for any Penalty not exceeding Ten Pounds Current Money, upon the 3 & 4 *Geo.* 2. *cap.* 12. or this Act, the Plaintiff

Plaintiff shall also recover his full Costs ; but no Costs shall be allowed, where the Penalty recovered exceeds Ten Pounds. *Ann. 1734*
Cap. 5.
Pag. 11.
App.

V. Any Borrower of Money, hereafter to be lent, may exhibit a Bill in the General Court, or any County Court, against the Lender, and compel him to discover, upon Oath, the principal Money actually lent, and the Contract made between them for the Paiment of Interest : And if it appears, that more than lawful Interest was reserved, the Lender shall be discharged from all the Penalties of this and the former Act, but shall be obliged to accept the principal Money without any Interest.

VI. No Person after the Tenth of *November* next, upon any Contract to be made after that Time, shall take directly or indirectly, for Loan of any Money, Wares, Merchandises, or other Commodities, above the Value of Five Pounds *per Cent. per Annum.* And all Bonds, Contracts, and Assurances made after that Time, reserving more or greater Interest, shall be utterly void. And every Person upon any Contract to be made after that Time, taking, accepting, and receiving, by Way or Means of any corrupt Bargain, Loan, Exchange, Shift, or Interest, of any Wares, Merchandise, or other Thing, or by any deceitful Way or Means, or by any Covin or deceitful Conveiance, for the forbearing or giving a Day of Paiment, above the Rate of Five *per Cent. per Annum,* * shall forfeit for every such Offence the double Value of the Monies, Wares, Merchandises, and other Things so lent, bargain'd, exchanged or shifted : To be recovered as in the said former Act is mentioned. *See Sect. 2.* **Pa. 12.*
App

W A I F T S and S T R A Y S.

§ I. 4 *Ann.* *cap. 13.* **E**VERY Person that shall take up any stray Horse, Mare, or Cattle, or Boat adrift, shall cause the same with a Description thereof, *viz.* The Mark, Stature, and Colour of the Horses, Mares, and Cattle, and the Burthen and built of the Boat, to be published, by setting up a Note or Advertisement thereof, at each Church or Chapel in the County, Two *Sundays* or Sermon Days successively, within One Month after such taking up ; and if no Owner appears upon such Public * Notice given, shall then publish the same at the next County Court, and set up in Writing at the said Court Door, One whole Court *Ann. 1705*
Cap. 13.
Pag. 149
**Pa. 150.*

Ann. 1705 *Court Day*: And for a Reward of taking up the same, *Cap.* 13. shall be paid by the Owner, Five Shillings, for every *Pag.* 150 such Horse, Mare, and Boat; and every Person making Default herein, or making Use of any such stray Horse, Mare, Cattle, or drift Boat, shall forfeit and pay for every such Horse, Mare, and Head of Cattle, so taken up a-stray, and every Boat so taken up a-drift, Fifteen Shillings Current Money, to the Informer: To be recovered with Costs, before any Justice of the County where the Offence is committed; and moreover, shall pay double Damages to the Owner.

II. *Provided*, When any Horse, Mare, or Cattle, above Two Years old, are taken up a-stray, or boat a-drift, and so published, and no Owner appears to claim the same, within One Year after such taking up, the Taker-up shall, by Warrant of a Justice of that County, have such Horse, Mare, Cattle, or Boat appraised, and then shall have the Property thereof, and shall only be answerable to the Owner for the Valuation thereof, after the Abatement of the Reward for taking up the same.

III. All Acts, &c. relating to any Matter within the Purview of this Act, repealed.

WEIGHTS and MEASURES.

Ann. 1661 § I. 13 *Car.* 2. **N**O Inhabitant or Trader hither, shall *Cap.* 63. *cap.* 63. buy, sell, or use in trading, any other *Pag.* 14. Weights, or Measures, than those made according to 12 *Hen.* 7. *cap.* 5.

II. The Commissioners of every County shall provide, at the County Charge, sealed Weights, of Half Hundreds, Quarters, Half Quarters, Seven Pounds, Four Pounds, Two Pounds, One Pound: Measures, of Ell, and Yard, of Bushel, Half Bushel, Peck, and Gallon, Winchester Measure; and Gallon, Pottle, Quart, and Pint, of Wine Measure, out of *England*. Which Weights and Measures shall be kept by the First in Commission, at his House, and with them a burnt Mark of and a Stamp for Leaden Weights; whither all Persons, not using *English* sealed Weights and Measures, shall bring their Barrels (which are to contain Five Bushels) and other Measures, to be sealed, and their Stilliards to be tried: And all Persons selling by other Measures and Weights, not sealed and tried, as aforesaid, shall forfeit One Thousand Pounds of Tobacco; One Half to the Public, the other to the Complainant: And the Commissioners failing to produce

produce such Weights, Measures, Seals, and Stamps, by *Ann. 1664*
the First of *December*, One Thousand Six Hundred and *Cap. 63.*
Sixty Three, shall be fined Five Thousand Pounds of *Page 14.*
Tobacco, to the Use of the Public.

III. 8 *Geo. 2. cap. 9.* From henceforth there shall be *Ann. 1734*
but One Weight One Measure, One Yard, and One Ell, *Cap. 9.*
according to the Standard of the Exchequer in *England.* *Page 17.*
And whosoever shall sell or buy by, or keep any other *App.*
Weight, Measure, Yard, or Ell, whereby any Corn, Grain,
Salt, or other Thing, is bought or sold, after *June 10,*
1736, shall forfeit, for every Offence, Twenty Shillings,
being thereof lawfully convicted by the Oath of One suf-
ficient Witness, before any Justice of the County; to be
levied, by Distreits and * Sale of the Offender's Goods, *22. 1736*
for the Use of the Poor of the Parish; rendering the Over- *App.*
plus to the Offender: And in Default of such Distreits,
such Justice shall commit the Offender to the Common
Goal, there to remain without Bail or Mainprize, until
he shall pay the said Forfeiture.

IV. The Justices of every County, where they have
not already provided the same, shall, within Eighteen
Months after the End of this Session of Assembly, pro-
vide at the County Charge, Brass Weights, of Half Hun-
dreds, Quarters, Half Quarters, Seven Pounds, Four
Pounds, Two Pounds, and One Pound Weight, ac-
cording to the said Standard. And Measures, of Bushel,
Half Bushel, Peck, and Half Peck, dry Measure: And
Gallon, Pottle, Quart, and Pint, of Wine Measure,
according to the same Standard, with proper Scales
for the Weights; upon Pain of forfeiting by every Justice
sworn into the Commission of the Peace, Five Shillings
for every Month such Weights and Measures shall be want-
ing: To be recovered by Action of Debt, or Information,
in any Court of Record; one Moiety to the King, &c.
towards Support of this Government, the other to the In-
former.

V. Such Weights and Measures shall be kept by such
Person as the County Court shall appoint, to which all
Persons may resort, for trying their Weights and Mea-
sures; and when they are tried and found to agree with
the Standard, the same shall be sealed by the Person
keeping such Standard, with a Seal, to be likewise pro-
vided by the Justices as aforesaid; whose Fee shall be, for
trying every Styllard and Certificate thereof, One Shilling;
and for trying and sealing every Weight and Measure,
Four Pence, to be paid by the Person for whom the same
shall be done.

S f

VI. *Provided,*

Ann. 1734

Cap. 9.

Pag. 18.

App.

VI. *Provided*, Nothing herein shall be construed to prohibit any Person from buying and selling by Stilyards, tried by and agreeing with the Standard aforesaid, where the Buyer and Seller, Payer and Receiver, shall both consent thereto.

W I L L I A M S B U R G.

Ann. 1705

Cap. 43.

Pag. 200.

§ I. 4 Ann. **F**OUR Hundred Seventy Five Foot Square of Land, at Middle Plantation, shall be appropriated for a Building (to be called the Capitol,) for the General Assemblies and General Courts to be held and kept in: And the Space of 200 Foot every Way from the same shall never be built on, but appropriated for the said Use.

*Pa. 201

II. The Capitol shall be built in this Form (H) the Foundation Four Bricks thick to the Surface of the Ground, the Walls from thence to the Water Table Three Bricks and Half thick, thence to the Top of the first Story, Three Bricks thick, and thence to the Top of the second Story, Two Brick and Half thick, the * Length of each Side 75 Foot, from Inside to Inside, the Breadth 25 Foot, the first Story of each Side 15 Foot Pitch, one End of each Side to be Semicircular, and the Lower Rooms at each End to be 50 Foot long, and parted by a Wall from the rest of the Building on each Side, which shall be divided into Four Divisions, one for a handsome Staircase: The Middle of the Front on each Side shall have a circular Porch, with an Iron Balcony upon the first Floor over it, and great folding Gates to each Porch, of Six Foot breadth; Four Galleries to be in the Room below, called the General Court-house; the Upper Story to be Ten Foot pitch, and divided as the Committee appointed to revise the Laws shall direct. The Two Parts of the building to be joined by a cross Gallery, of Thirty Foot long, and Fifteen Foot wide, each way raised upon Piazzas, and built as high as the other Part of the Building, and in the Middle a Cupola, with a Clock in it, on which a Flag may be put upon Occasion. The Windows to be Sashes, and the Roofhipped, with Dormant Windows, and shingled with Cypress Shingles; the great Room of each Building below, to be laid with Flag Stones. One Side of which Building shall be appropriated to the Use of the General Court, and Council, and the several Offices to them belonging; and the other Side to the Use of the House of Burgeses, and the Officers thereof.

III. The

III. The Committee appointed to revise the Laws, to *Ann. 1705* inspect and oversee the said Building, and agree with *Cap. 43.* the Undertakers, or Overseers, and to give Orders for *Pa. 201.* the carrying on and finishing the same, according to the aforesaid Dimensions and Rules, and on the Public Account and Risk, may send for, out of *England*, all such Materials as they shall think necessary, for the same.

IV. The said Committee shall apply to the Governor, for his Warrant to the Treasurer, for any Sums not exceeding Two Thousand Pounds *Sterling*, for the Uses aforesaid, which they shall account for to the Assembly.

† V. Two Hundred Eighty Three Acres, Thirty *† Pa. 202.* Five Poles and an Half of Land, at Middle Plantation, in *James City* and *York* Counties, according to the Survey made, by Order of this Assembly, shall be appropriated for the Use of a City to be there built.

VI. Two Hundred and Twenty Acres thereof, to be set a-part for building a City, (to be called *Williamsburgh*, in Honour of King *William*;) and Fifteen Acres Forty Four Poles and a Quarter, for a Road from the said City (to be called *Queen's Road*) to *Queen's Creek*: And Fourteen Acres Seventy One Poles and a Quarter, on the said *Queen's Creek*, for a Port or Landing Place, for the said City, (to be called *Queen Mary's Port*, in Commemoration of *Queen Mary*;) and Ten Acres Forty Two Poles and a Half, for a Road from the said City (to be called *Princess Road*) to *Archer's-Hope Creek*, (to be hereafter called *Princess Creek*;) And Twenty Three Acres Thirty Seven Poles and a Half, upon the said *Princess Creek*, for a Port or Landing Place for the said City, (to be called *Princess Anne Port*, in Honour of *Princess Anne*, of *Denmark*.)

VII. The Ground set a-part for the said City, shall be laid out into Half Acres, every of which shall be a distinct Lot, † to build on, in Manner hereafter expressed; *† Pa. 203.* that is to say, whoever builds in the main Street, (to be called the *Duke of Gloucester Street*) shall not build a House less than Ten Foot Pitch, the Front of each House to come within Six Foot of the Street, and no nearer: All which Houses shall front alike. And the other Streets and Lanes shall be built according to the Rules to be made by the Directors hereafter appointed, or by the Mayor, Aldermen, and Commonalty, of the said City.

VIII. The Governor may issue his Warrants to the Sheriffs of *James-City*, *York*, and *New-Kent* Counties, commanding them respectively, to impanel Four of

Anr. 1705 the most able and discreet Freeholders in each of their
Cap. 43 Bailiwicks, no ways concerned in Interest, or related to
Page. 203. any of the Proprietors, to meet at such Time as he shall
 think fit, and to be sworn by such Person or Persons as
 he shall appoint, upon their Oaths, to value the said
 Land, by this Act appropriated to the Uses aforesaid,
 in so many several Parcels as shall be owned by the se-
 veral Proprietors thereof: And after such Valuation and
 Return thereof made, under their Hands and Seals, to the
 Secretaries Office, the Feoffees or Trustees by this Act
 appointed, shall enter, and upon such Entry be vested
 with and seized of and in an absolute and indefeasible
 Estate of Inheritance in Fee, in Trust to and for the U-
 ses hereafter-mentioned, to be binding in Law (without
 further Act) to all Intents and Purposes, against all
 Proprietors, (whether capable of consenting thereto, or
 disabled by Nonage, Coverture, Intail, or other Impedi-
 ments,) and their Heirs, Executors, Administrators, and
 Assigns, for ever, or any Claimer or Pretender thereto.

IX. *Provided*, The said Jury, in such Valuation,
 shall have due Regard to the respective Interests and
 Estates in the same; and shall make a Valuation thereof
 accordingly.

X. *Lewis Burwell, Philip Ludwell, Junior, Benjamin Harrison, Junior, James Whaley, Hugh Norwell,*
and Monge Ingham, Gentlemen, are appointed Feoffees
 or Trustees * in Trust, that any Two or more of them,
 out of the Two Hundred and Twenty Acres appropri-
 ated for the City, shall convey in Fee, to any Person
 requesting the same, and paying them the first Cost of
 the Purchase thereof, and Fifty *per Cent.* Advance, One
 or more Half Acre, or Acres, by such good Assurance
 in the Law, to such Person, his or her Heirs and Assigns,
 for ever, as by such Person or their Council shall be re-
 quired.

XI. *Provided*, If such Grantee, his or her Heirs or
 Assigns, shall not, in Twenty Four Months next ensu-
 ing the Date of such Grant, begin to build and finish
 on each Lot so granted, One good Dwelling House, at
 least Twenty Foot wide, and Thirty Foot long, (if in
 the Duke of Gloucester Street, of Ten Foot Pitch, and
 within Six Foot of the Street;) if in any other Place,
 according to the Rules and Directions given by the Di-
 rectors hereafter appointed; then such Grant shall be
 utterly void, and the Lots thereby granted, liable to
 the Purchase of any other Person, and immediately rein-
 vested

vested in the said Feoffees, to the Uses aforesaid, as if *Ann. 1705*
they had ever been granted. *Cap. 43.*

XII. The Costs and Charges of the Purchase, shall *Page. 204.*
be paid by the Public, at the next Session of Assembly, to the several Proprietors, according to the Valuation to be made, as aforesaid: And the Feoffees shall account for the Produce of the Lots by them sold, as aforesaid, to the said Assembly, for Reimbursement of the Public.

XIII. In Case of Death, Removal out of the Country, or other legal Disability of any of the said Feoffees, the Governor may nominate such and so many as shall be under the Number of Six: Who shall be vested with the same Right, to the same Uses, as the Feoffees hereby appointed, or as if they were by this Act particularly nominated and appointed.

XIV. *Provided*, The Lots at the aforementioned * * *Pa. 205*
Ports, shall be proportioned at the Discretion of the Directors hereafter mentioned, *provided*, each Lot shall not exceed Sixty Foot square: Which Lots shall be disposed of, as aforesaid, and the Produce accounted for by the said Feoffees, in Manner aforesaid.

XV. *Provided also*, That a sufficient Quantity of Land at each Port, shall be left in Common, at the Discretion of the Directors hereafter appointed.

XVI. The Governor, for the Time being, by Letters Patents under the Colony Seal, may incorporate all Persons having an Interest, Freehold, or Habitation in the said City, by the Name of the Mayor, Aldermen, and Commonalty of the City of *Williamsburg*; and by that Name, to have perpetual Succession, and a Common Seal; and that they, and their Successors, by the Name aforesaid, shall be able and capable in Law to purchase, receive, enjoy, possess, and retain to them and their Successors for ever, any Lands, Rents, Tenements, and Hereditaments whatsoever, and to sell, grant, demise, alien, or dispose of them: And by the same Name, to sue, and implead, be sued, and impleaded, answer, and be answered, in all Courts of Record, or other Places whatsoever: And under their Common Seal, to make and establish such By-Laws, Rules, and Ordinances (not contrary to the Laws and Constitutions of *England* and this Colony) as they shall think necessary, for the good Ordering and Government of such Persons as shall reside within the Limits of the said City and Corporation, or be concerned in Interest therein; and by the
Name

Ann. 1705 Name aforesaid, to do and execute all other Matters and Things, that to them shall or may appertain to do.

Pag. 205. XVII. *Francis Nicholson*, Esq; Governor, *Edmund Jennings*, Esq; *Philip Ludwell*, Esq; *Thomas Ballard*, *Lewis Burwell*, *Philip Ludwell*, Junior, *John Page*, *Henry Tyler*, *James Whaley*, and *Benjamin Harrison*, Junior, Gentlemen, or any Five or more of them, by the Name of the Directors appointed for the Settlement and Encouragement of the City of *Williamsburg*, may make such Rules and Orders, and give such Directions in the building the said City and Ports, not already provided for by this Act, as to them shall seem best and most convenient.

**Pag.* 206 * XVIII. The Governor is desired and impowered, by Letters Patents, under the Colony Seal, to grant to the said City, the Liberty and Privilege of holding and keeping such and so many Markets and Fairs, at such Times, upon such Conditions, and under such Limitations, as he shall think fit.

XIX. *Provided*, No Lot shall be sold to any Person before the Twentieth of *October* next, that the whole Country may have Notice of this Act, and equal Liberty, in the Choice of the Lots.

XX. The Act 11 *Will.* 3. *cap.* 14. is hereby declared to be in full Force.

Note, This Act is recited *verbatim* in this present Act, and several Clauses added thereto, for the better Execution thereof; for which Reason it is not printed in the Laws at large.

XXI. If any Person takes up Two Lots upon the Duke of *Gloucester* Street, and builds on them or either of them, in Twenty Four Months from the Date of the Grant, One House, Fifty Foot long and Twenty Foot broad, or else One Brick House, or Framed House, with Two Stacks of Brick Chimneys, and Cellars under the whole House bricked, Forty Foot long, and Twenty Foot broad, the same shall be sufficient to save the Grant of both Lots from becoming void.

XXII. If any Person takes a Grant of Two Lots upon the said great Street, and one or more Lots backward, and within the Time aforesaid, upon the Lots contiguous to the great Street, builds, in ordinary framed Work, as much Dwelling Housing as will make Five Hundred square Feet superficial Measure, or Four Hundred square Feet of like Measure, in Brick Work, or framed Work, with Brick Cellars under the whole, and Brick Chimneys,

neys, for every Lot taken up, the same shall be sufficient to save the Grant of all and every of the said Lots from becoming void. Ann. 1705
Cap. 43.
Pag. 207.

XXIII. *Provided*, The building One House, be the Dimensions never so large, shall not save more than Two Lots on the great Street; and whatever Lots the Builder is willing to take a Grant of, shall be taken backwards.

XXIV. Every Person having any Lot contiguous to the great Street, shall inclose the same with a Wall, Pales, or Posts and Rails, within Six Months after the Building (required to be erected thereon by Law) finished; on Penalty of forfeiting Five Shillings a Month for every Lot, so long as the same shall remain without a Wall, Pales, or Rails, as aforesaid: To be recovered before any Justice of York, or James-City Counties, on the Complaint of any Trustee or Director; to be disposed of by the Directors, for the Benefit of the said City and Ports.

XXV. No Lot whereon any House was standing, at laying out the said City, shall vest in the said Feoffees, but shall continue the proper Estate of the respective Proprietors.

XXVI. The Four Lots, at first laying out the Land for the said City, laid out and appropriated for the Buildings then erected on the same, by Benjamin Harrison, Junior, Esq; shall remain to the Use of the said Benjamin Harrison, his Heirs and Assigns; and shall not lapse for want of other Building thereon.

XXVII. Edward Nott, Esq; Governor, Edmund Jennings, Philip Ludwell, William Byrd, and Benjamin Harrison, Junior, Esqrs; Henry Tyler, David Bray, Frederick Jones, Archibald Blair, Chickley-Corbin Thacker, and William Robertson, Gentlemen, or any Five, or more of them, by the Name of the Directors of the Settlement and Encouragement of the City of Williamsburg, until the said City shall be erected into a Corporation, as aforesaid, may direct and order the Laying out * the Lots and Streets of the same, where the Bounds and Marks thereof, are worn out, lay out a convenient Space of Ground for the Church Yard, enlarge the Market Place, alter any of the Streets or Lanes which are found inconvenient, and settle and establish such Rules and Orders, for the more regular and orderly building the Houses in the said City, as to them shall seem best and most convenient. *Pa. 208.

XXVIII. *Pro-*

Ann. 1705 XXVIII. *Provided*, The Duke of Gloucester Street, Cap. 43 extending from the Capitol, to the utmost Limits of the City Westward, 'till it joins on the Colledge Land, shall not be altered in its Course or Dimensions.

XXIX. In case of the Death, Removal out of the Country, or other legal Disability of any Director before named, the surviving or remaining Directors may elect and choose to many other Persons in the room of those so dead or removed, as shall make up the Number of Ten; which Directors so chosen, shall be to all Intents and Purposes vested with the same Power, as any other in this Act particularly nominated and appointed.

Ann. 1723 XXX. 9 Geo. 1. cap. 10. Whereas his Majesty, by Cap. 10. Letters Patents, bearing Date July 28, 1722, under the Colony Seal, hath granted to the Inhabitants of Williamsburg, that the same shall be a City incorporate, consisting of a Mayor, one Person learned in the Law, styled and bearing the Office of Recorder, Six Aldermen, and Twelve Common Council Men, of the said City: And, among other Things, by the said Charter granted, that the said Mayor, Recorder, and Aldermen, and their Successors, or any Four or more of them, of which the Mayor, Recorder, or last preceding Mayor, shall be one, shall hold a Court of Hustings once * in every Month, within the said City, to hold Plea of Trespasts and Ejectment, Writs of Dover for Lands and Tenements within the said City, and of all other Actions, personal and mixt, (not exceeding Twenty Pounds Current Money, or Four Thousand Pounds of Tobacco,) arising within the said City: And as a Court of Record to give Judgment, and award Execution thereon, according to the Laws and Statutes of England, and this Colony. And whereas the Peace and good Government of the said City, very much depends on a due Regulation of the Ordinaries and Public-Houses, and the well ordering of Servants and Apprentices within the said City, whereof the said Court hath not at present competent Jurisdiction:

XXXI. The said Court of Hustings shall have the same Power over the Ordinaries and Public Houses within the said City, as well in granting Licenses, as in any other Matter or Thing; and shall and may hear and determine all Complaints of Masters, Servants, and Apprentices within the same City, in the same Manner as the Courts of York and James City Counties, respectively, now have or do.

XXXII. The

XXXII. The Mayor, Recorder, and Aldermen, of the said City, or any Three of them (whereof the Mayor, Recorder, or last preceding Mayor, shall be one,) may take the Examination of any Person suspected to have committed any Capital Crime, or other Offence, triable in the General Court, or Court of *Oyer and Terminer*; and upon such Examination, if they see Cause, may by *Mittimus* under their Hands, commit such Offender to the Public Goal of the said City, (the Keeper whereof is required to receive the Body of such Offender,) or by Recognizance, may bind such Offender, personally to appear before the next General Court, on the Fourth Day thereof, or the next Court of *Oyer and Terminer*, and not to depart thence without Leave of the said Courts, respectively; and may summon and bind all such Persons, as they shall think material Witnesses against such Offender, to appear and give Evidence against him or her.

XXXIII. No Inhabitant of the said City, capable of serving in the Militia, shall be compelled to appear at any Muster of the Militia, out of the said City. But every such Inhabitant (except the Mayor, Recorder, and Aldermen of the said City,) shall be * listed and trained, according to the Laws of this Colony, under the Command of One or more of the principal Inhabitants of the said City, thereunto commissioned by the Governor, or Commander in Chief; and such Persons shall not be compelled to go out of the said City on any Military Service, without the express Order of the Governor, or Commander in Chief; or, in his Absence, without the Order of the said Mayor, Recorder, and Aldermen, or the major Part of them. And the said Mayor, Recorder, and Aldermen, or the major Part of them, in their said Court of Hustings, upon the Complaint of any Officer, or Officers, appointed to command the Militia within the said City, and, upon sufficient Proof, shall and may give Judgment against any Persons for the Fines they shall be liable to, for not appearing, or not doing their Duty at any Muster, or upon any other Service within the said City, and may issue Warrants for levying such Fines, as the Officers of the Militia in their respective Counties, may or do.

XXXIV. This Act is declared to be a Public Act.

XXXV. 10 Geo. 2. cap. 24. The Charter pass'd under the Great Seal of *Virginia*, dated the 15th of September, 1736, for erecting the Town of *Norfolk* into a Burrough, by App. Hs.

Ann. 1736 by the Name of *The Burrough of Norfolk* ; and all the
Cap. 24. Clauses, Grants, Powers, Privileges, and Immunities
Pa. 43. therein contained, are hereby confirmed.

App. II. XXXVI. The Recorder of the said Burrough, for
 the Time being, may exercise the said Office, by a suf-
 * *Pa.* 44. ficient Deputy, * to be appointed, by Writing under his
 Hand and Seal, so as such Deputy be approved by the
 Court of the Mayor, Aldermen, and Common Council
 of the said Burrough, or the major Part of them.

XXXVII. The Court of Hustings in *Williamsburg*,
 shall have Jurisdiction, and hold Plea of all Actions, per-
 sonal and mixt, and Attachments, whereof any County
 Court in this Colony hath or can take Cognizance.

XXXVIII. The Mayor, Recorder, and Aldermen, of
 the said City, shall have, use, and exercise, all the Pow-
 ers, Jurisdictions, and Authorities out of Court, which
 any Justice or Justices of the Peace of a County now have,
 or can or may use and exercise.

WITNESSES.

Ann. 1736 § I. 10 *Geo.* 2. **E**VERY Witness attending any Coun-
Cap. 14. *cap.* 14. ty Court, by Law entitled to be paid
Pa. 35. for the same, shall be allowed Twenty Five Pounds of
App. II. Tobacco, for every Day's Attendance. Yet so as all Wit-
 nesses summoned to such Court from another County,
 shall be allowed for travelling to and from Court, and
 Ferriages, as before making this Act.

II. The Court of *Accomack* and *Northampton*,
 * *Pa.* 36. * respectively, shall levy for each of their Burgeses at-
 tending every future Session of Assembly, Five Hundred
 Pounds of Tobacco, and no more, for his Passage across
 the Bay, to and from the same, besides his other Allowance
 appointed by Law, (except when the Burgeses are paid
 their Allowances out of the Public Money,) in which
 Case Fifty Shillings shall be allowed instead of the said
 Five Hundred Pounds of Tobacco : And the Law for-
 merly providing the Method and Allowance for their
 Passage, so far as relates thereto, is repealed.

WOLVES.

Ann. 1720 § I. 7 *Geo.* 1. **E**VERY Person (except *Indians* not
Cap. 6. *cap.* 6. tributary to *Virginia*,) killing or
Pag. 312 destroying any Wolf, shall receive Two Hundred Pounds
 of Tobacco for every such Woolf; to be levied on the
 Inhabitants

Inhabitants of the County, and repaid by the Country, at *Ann 1720*
the next Public Levy. *See Sect. 7.* *Cap. 6.*

II. The several County Courts, at laying the County *Pag. 312.*
Levy, yearly, shall allow to every Person demanding it,
the Reward aforesaid, and shall levy the same on the
Tithable Persons in their County, by a Poll Tax.

III. Every such Person shall carry, or cause to be car-
ried, to some Justice of the County, the Head of every
such Wolf, and before him make due Proof, by himself,
or some Person present at the killing thereof, how, when,
and where, such Wolf was killed or destroyed; and shall
take from such Justice a Certificate thereof to the County
Court: Without producing which, at the laying of the
Levy, the Court shall not allow any Claim concerning
the same.

* IV. Every Justice shall receive the Heads of Wolves **P. 313.*
so killed or destroyed, and upon due Proof made, shall
grant Certificates to the County Court, as aforesaid,
how, when, and where, the same were killed, or destroy-
ed: And such Justice may admit as good and due Proof,
the Oath or solemn Affirmation of the Person making
Application; or if such Person be under the Age of Four-
teen, or be not a Christian, any other Evidence, Testi-
mony or Circumstance, in his Discretion, probable and
convincing. And every such Justice immediately after
granting Certificate, upon such Proof, shall cause the
Ears to be cut from such Head, or Heads, in his Pre-
sence, to prevent any Fraud in obtaining another Cer-
tificate for the same. *See Sect. 7. 9.*

V. Every County Court Clerk, in Entering the Allow-
ances made by the Court to Persons claiming the Reward
hereby given, shall enter the Name and Sur-name of eve-
ry such Person so allowed in the County Levy, and the
Name and Sur-name of the Justice granting the Certifi-
cate; and shall return a true Copy of the said Levy, to
the General Assembly.

VI. All Acts, &c. relating to any Matter within the
Purview of this Act, repealed.

VII. 5 & 6 Geo. 2. *cap. 11.* The Reward of One *Ann. 1732*
Hundred Pounds of Tobacco, and no more, shall be paid *Cap. 11.*
for every Wolf killed or destroyed, not exceeding the Age *Pag. 492.*
of Six Months; to be adjudged of by the Justice before
whom the Head shall be brought: And no Justice shall
grant a Certificate to any Person, for any Scalp, to enti-
tle him or her to the Reward allowed by Law for killing
Wolves, but the whole Head of the Wolf shall be first
produced:

Ann. 1732 produced: Nor shall any such Certificate be granted, until Proof be made before such Justice, by the Oath of such Wolf-killer, if a Christian, above the Age of Fourteen, (Quakers excepted) in these Words:

I A. B. do solemnly swear, That this Head, by me now produced, is the Head of a Wolf, (or if more than one Head, That these Heads, by me now produced, are the Heads of Wolves) first taken and killed within the County of C. in Virginia; and that I have not wittingly or willingly spared the Life of any Bitch-Wolf in my Power to kill, since the making of the Act of Assembly, intituled, An Act for Lessening the Reward for killing young Wolves, and for preventing Frauds in obtaining Certificates for Wolves Heads.

And if such Wolf-killer be a Quaker, above the Age of Fourteen, he shall take his solemn Affirmation, to the same Effect: But if he be a Christian, under the Age aforesaid, a Tributary Indian, Mulatto, or Negro, such Justice shall admit of any other Evidence, Testimony, or Circumstance, in his Discretion convincing. *See Sect. 9.*

VIII. Every Person lawfully convicted of taking a false Oath, or Affirmation, in order to obtain a Certificate, as aforesaid, shall suffer the same Pains and Penalties, as for wilful and corrupt Perjury, in a Court of Record; and moreover, forfeit One Thousand Pounds of Tobacco; one Moiety to the King, &c. towards Support of this Government, the other to them that will sue for the same: To be recovered, with Costs, in any Court of Record.

IX. *Provided*, Any Justice suspecting the Truth of any such Oath, or Affirmation, shall delay granting a Certificate thereon, 'til the next Court held for his County, where he shall communicate his Reasons for such Suspicion, in Presence of the suspected Person, who may make his Defence; and the Court shall determine whether the same be good, or not; and such Justice shall proceed accordingly.

W O R K - H O U S E S.

Ann. 1663 § I. 20 *Car.* 2. *cap.* 5. **F**OR the better converting Wool, Flax, Hemp, and other Commodities, into Manufactures, and for the Increase of Artificers in this Country, the Commissioners of each County Court, with the

the Assistance of the Vestries of the respective Parishes ^{Ann. 1668}
in that County, are hereby impowered to build Houses ^{Cap. 5.}
for Educating and Instructing poor Children, in the ^{Pag. 48.}
Knowledge of Spinning, Weaving, and other useful Oc-
cupations and Trades; and Power granted, to take poor
Children from indigent Parents, to place to work in those
Houses.

The following Acts cou'd not be printed in
their proper Places, because the Heads to
which they belong, were printed off before
the last Session of Assembly: But are in-
serted in this Place, to make the Abridg-
ment of all the Laws complete.

B U R G E S S E S.

[*This should have follow'd Sect. XXXV. Page 18.*]

§ XXXVI. 10 Geo. 2. cap. 2. No Person shall have ^{Ann. 1736}
a Right to vote at any Election of Members, to serve for ^{Cap. 2.}
any County, in the General Assembly, who hath not an ^{Pa. 5.}
Estate of Freehold, or other greater Estate, in One Hun- ^{App. II.}
dred Acres of Land, at least, if no Settlement be made
upon it, or Twenty Five Acres, with a House and Plan-
tation, in Possession of himself, or his Tenant or Tenants
for Years, in the County where he votes. But if any
Person has such an Estate, in Two or more Counties, he
shall have a Right to vote only in that County where
the greatest Quantity of the said Land lies.

XXXVII. All Estates or Conveiances heretofore or
hereafter to be made in any fraudulent or collusive Man-
ner, on Purpose to qualify any Person or Persons to
vote at such Elections, shall be void; and every Person
making and executing such Conveiance hereafter, or
being privy to such Purpose, and devising or preparing
the same, or by Colour thereof voting at any Election
of a Member to serve for a County, shall, for every such
Conveiance so made, or Vote so created or given, for-
feit Forty Pounds, to any Person who shall sue for the
same, with Costs, by Action of Debt, or Information,
in any Court of Record.

XXXVIII. No

Ann. 1736 ‡ XXXVIII. No Person shall vote for the Electing
Cap. 2. any Burgeſſs, in Reſpect or Right of any Lands or Te-
‡ Pag. 6. nements of which he has not been in Poſſeſſion a Year
App. II. next before the Teſte of the Writ for ſuch Election; un-
 leſs ſuch Lands or Tenements came to him within that
 Time, by Deſcent, Marriage Settlement, or Devife.

XXXIX. *Provided*, Nothing herein shall hinder any Person to vote at such Elections, who is a Freeholder in any House and Lot, or House and Part of a Lot, in any City or Town, laid out and established by Act of Assembly: But where any such Interest shall be divided among several Persons, no more than (a) One single Voice shall be admitted for one and the same House or Lot.

XL. *Provided also,* That where Lands are held by several Jointenants or Tenants in Common, no more than (a) One single Voice shall be admitted in Right of such Lands, unless the Quantity be sufficient to allor to each One Hundred Acres if uninhabited, or Twenty Five Acres with a House and Plantation thereon, in the Tenure or Occupation of such Jointenant or Tenant in Common, or of their Tenants.

XLI. So much of the Act 4 *Ann. cap. 1.* as concerns the Oath therein prescribed to be taken by the Electors, is hereby repealed; and upon every Election to be made for a County, every Freeholder, before he is admitted to poll at the same, shall, if required by any Candidate, or any Person appointed to manage the Election for any absent Candidate, take the following Oath, or if a Quaker, declare the Effect of the same, upon his Affirmation.

YOU shall swear, That you are a Freeholder in the
County of _____ and have at least One Hun-
dred Acres of freehold Lands unseated, lying and being
in the Parish of _____ in the County of _____
in your sole Possession, or in the Possession of your Te-
nant or Tenants for Years, or that you have One Hun-
dred Acres of freehold Lands unseated, lying and being
in the Counties of _____ in your sole Possession,
or in the Possession of your Tenant or Tenants for Years;

(2) (a) *Quære*, How it will be determined where several have an Interest, which of them shall vote, and if required to swear, what Oath they shall take?

and

and that the greatest Part of the said Land doth lie *Ann. 1736*
in the County of *or that you are a Free- Cap. 2.*
holder and sole Owner of a House and Lot, or a House *Page. 6.*
and part of a Lot, in your own Possession, or in the *App. II.*
Possession of your Tenant, or Tenants, lying and being
in the City or Town of *And that such Free-*
hold Estate hath not been made or granted to you frau-
dulently, on Purpose to qualify you to give your Vote;
and that you have not been polled before, at this Elec-
tion.

* Which Oath, or Affirmation, the Sheriff, Under-she- **Page. 7.*
riff, or any sworn Clerk appointed for taking the Poll,
shall administer.

XLII. Any Person taking the said Oath or Affirma-
tion, and thereby committing wilful and corrupt Per-
jury, or unlawfully and corruptly procuring or suborning
any Person to take the said Oath, or Affirmation, in
order to be polled, whereby such Person shall commit
such wilful and corrupt Perjury, shall, on Conviction,
for every such Offence, incur the like Pains and Penal-
ties as by the Act 5 Eliz. intituled, *An Act for Punish-*
ment of such Persons as shall procure or commit any wil-
ful Perjury, are to be inflicted for wilful Perjury, or
Subornation, or Procuration thereto, contrary to the said
Act.

XLIII. The Sheriff, or his Under-sheriff, and Clerks,
in taking the Poll, shall enter, sworn or affirmed, a-
gainst the Name of every Person voting, who shall take
the Oath or Affirmation hereby required: And within
Twenty Days after such Election, deliver, upon Oath,
(which any Justice may and shall administer) unto
the Clerk of the same County Court, attested Copies
of the original Poll of such Election, without any Im-
bezzelment, or Alteration, to be recorded among the
County Records.

DEBTORS.

[*This should come after Sect. IV. Page 34.*]

6 V. 10 Geo. 2. cap. 6. Any Creditor, where his Debt *Ann 1736*
doth not exceed Five Pounds, or One Thousand Pounds *Cap. 6.*
of Tobacco, may go before any Justice of the County *Page. 12.*
where his Debtor resides, and make Oath how much is *App. II.*
justly due to him, and that he has Grounds to suspect,
and

Ann. 1736 and verily believes, that such Debtor intends to remove
Cap. 6. his Effects: And thereupon such Justice shall issue an
Page 12. Attachment against the Estate of such Debtor, returnable
App. II. to his next County Court, directed to all Sheriffs, and
 Constables, in *Virginia*; by Virtue whereof, any Sheriff
 or Constable, may pursue and seize such Effects; and
 make Return of such Attachment to the Court where the
 same shall be returnable: And thereupon such Proceed-
 ings shall be had, without a Petition, as in other Cases of
 Attachment.

VI. Upon all Petitions for Recovery of small Debts, if
 the Defendant resides in another County than where the
 Debt was contracted, or if the Creditor or Plaintiff shall
 be unable to attend the Court in Person, if a Lawyer shall
 be employ'd, the Clerk shall tax, in the Bill of Costs,
 Seven Shillings and Six Pence, for a Lawyer's Fee, and
 no more.

F E R R I E S.

[*This should come after Sect. XXXII. Page 85.*]

Ann. 1736 § XXXIII. 10 *Geo.* 2. *cap.* 19. Ferries shall be con-
Cap. 19. stantly kept, at the Places and Rates, hereafter mention'd:
Page 40. The Price
App. II.

| | For a Man | | For a Horse | |
|--|-----------|----|-------------|----|
| | s. | d. | s. | d. |
| On <i>Rappahanock</i> , From <i>Wm</i>
<i>Lowry's</i> , in <i>Essex</i> , to the Land
of <i>Benjamin Rust</i> , in <i>Richmond</i> ,
(and backwards) | 1 | | 1 | |
| From <i>Falmouth Town</i> , in <i>King</i>
<i>George</i> , to the Land of <i>Francis</i>
<i>Thornton</i> , in <i>Spotsylvania</i> , | 3 | | 3 | |
| From the Land of <i>Charles</i>
<i>Carter</i> , Esq; in <i>Orange</i> , across
<i>Norman's Ford</i> , to the Land of
<i>Mr. Philip Ludwell</i> , in <i>Prince-</i>
<i>William</i> , | 3 | | 3 | |
| On <i>Sherrando River</i> , from the
Land of <i>William Russel</i> , next a-
bove the Mouth of <i>Happy Creek</i> ,
in <i>Orange</i> , across into the Fork,
or across the Main River, | 3 | | 3 | |

XXXIV. The Licences to be obtained, and Boats for
 Wheel-Carriages, directed as in Sect. 16, and 17, and
 the

the Rates for such Wheel-Carriages, settled, as in *Ann. 1736*
Sect. 29. *Cap. 19.*

XXXVI. The Keepers of the several County Ferries *Pag. 12.*
hereinafter-mentioned, may take for Ferriage the fol- *App. 11.*
lowing Rates, and no more:

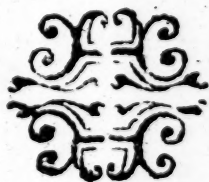
| | The Price | | | The Price | |
|--|-----------|----|--|-------------|----|
| | For a Man | | | For a Horse | |
| | s. | d. | | s. | d. |
| In <i>Prince-William</i> , upon }
<i>Occoquan</i> , } | | 3 | | | 3 |
| In <i>Westmoreland</i> , on <i>Nominy</i> , | 4 | | | 4 | |
| On <i>Mattox</i> , - - - - - | 3 | | | 3 | |
| In <i>Richmond</i> , on <i>Titaskey</i> , | 3 | | | 3 | |
| On <i>Rappahanock</i> Creek, | 3 | | | 3 | |
| In <i>Essex</i> , on <i>Piscataway</i> , | 3 | | | 3 | |
| On <i>James-River</i> , at <i>Branch's</i> , } | | 3 | | | 3 |
| in <i>Henrico</i> , - - - - - } | | 3 | | | 3 |
| Over the said River, from <i>Jacob</i> } | | 3 | | | 3 |
| <i>Micheaux's</i> , to <i>Thomas Atkins's</i> . } | | 3 | | | 3 |

And for Wheel-Carriages, the same in Proportion to the said Rates as is allowed at Public Ferries.

XXXVII. *Provided*, Nothing herein shall oblige any Person to pay for Ferriage at any of the said County Ferries, who, before making this Act, was exempted from the same, by reason of any Estate or Interest in the County where any such Ferry is kept.

XXXVIII. The Price for carrying a Hogshead of Tobacco over any Ferry, shall be the same as the Ferriage of one Horse at such Ferry.

XXXIX. The Courts of the Counties of
Prince William, }
Orange, } shall be re- { *Fourth Monday* }
Lancaster, } pectively { *Fourth Thursd.* } in eve-
Northumberland, } held on the { *Second Friday* } ry
King and Queen, } { *Second Monday* } Month.
{ *Second Tuesday* }





T H E T A B L E.

A

Batement.
Attornies, 9.
County Courts, 16.
Judicial Proceedings, 73, 77.
Lands, 71.
Sherifs, 12.
Abettors.
See Accessory.
Ability.
See Disability.
Accessory.
Clergy, 1.
House-burning.
Sherifs, 7.
Accusation.
Servants, 34, 37.
Slaves, 28.
Accomack.
Burgesses, 21, 22, 28.
County Courts, 4.
General Courts, 40.
Tobacco, 58, 127.
Witnesses, 2.
Account.
Executors, and Administrators, 9.
Limitation, &c. 1.
Accounts.
Attornies, 6.
Book-Debts.
Executors and Administrators, 14, 15.
Judicial Proceedings, 71, 79, 80.
Physicians, 3.

Acknowledgement.

Lands, 4, 64, 65, 68.

Actions.

Attornies, 5, 9.
Limitation of Actions.
Lands, 12, 70, 71.

Acts of Assembly.

1

Adjournment.

County Courts, 5.
General Court, 8.

Administrators.

See Executors and Administrators.

Admiralty.

Quarentine, 2.
Sailors, 20.

Ad quod Damnum.

Lands, 67.

Adultery.

Religion, 7.

Affidavits.

See Dedimus.

Affirmation.

Burgesses, 41.
General Court, 31.
Wolves, 4, 7, 8.

Age.

Servants, 2.
Tithables, 2.

Agreements.

See Contracts.

Aldermen.

Williamsburg, 29, &c.

Ale.

Duties, 5.

Aliens.

Naturalization.

Amelia.

The T A B L E.

County Courts, 4.
Surveyors, 22.
Tobacco, 153.
Amendments.
Attornies, 5.
County Courts, 14.
General Court, 26.
Judicial Proceedings, 33.
Ammunition.
See Arms.
Apothecaries.
Physicians, L, 3.
Appeals.
County-courts, 19, 20.
General court, 4, 38, 39, 40, 47.
Hog-stealing, 1.
Judicial Proceedings, 29.
Rolling-houses, 8.
Appearances.
County-courts, 17.
General-court, 19.
Judicial Proceedings, 8, 9, 39.
Appomatox.
Ferries, 23, 25.
Appraisers.
Executors and Administr. 1, 4.
General court, 21.
Intestates Estates, 5.
Invasions, 4.
Iron-works, 12.
Lands, 1, 58.
Mills, 1.
Probats, 17, 20.
Religion, 4.
Rolling-houses, 3.
Slaves, 9, 16, 25.
Tanners, 11.
Waifts, 2.
Apprentices.
Executors and Administr. 12.
Intestates Estates, 11.
Levies, 19.
Servants, 60.
Vagabonds, 1.
Williamsburg, 31.
Work-houses, 1.

Armourer.
Magazine, 2.
Arms.
Indians, 9, 13, 14, 23.
Invasions, 17.
Magazine, 1.
Militia, 10.
Servants, 35.
Slaves, 23.
Arrears.
See Rents.
Arrest of Judgment.
Penal Laws, 4.
Arrests.
Burgesses, 20.
County-courts, 9.
General court, 35.
Judicial Proceedings, 7.
Sherifs, 6, 28.
Artificers.
Invasions, 3, 9.
Servants, 58, 59.
Affault.
Attornies, 4, 5.
Gaming, 9.
Limitations, &c. 1.
Assembly.
Acts of Assembly.
Burgesses,
Criminals, 1.
Duties, 17, 18, 34, 49.
Indians, 33.
Invasions, 6, 11, 12.
Iron-works, 8, 16.
Judicial Proceedings, 3, 4, 6.
Lands, 6.
Linen-cloth, 1.
Ordinaries, 13, 19.
Prisons, 8, 9.
Public Claims.
Servants, 26, 38, 45, 53.
Slaves, 16, 25.
Tobacco, 76, 92, 122.
Treasurer, 8, 11.
Wolves, 1.
Affets.

Executors

The TABLE.

| | |
|--|--|
| <i>Executors, and Administrators, 7.</i> | <i>Probats, 7.</i> |
| <i>Probats, 18.</i> | <i>Aycl.</i> |
| <i>Assignee, and Assignments.</i> | <i>Lands, 12, 70.</i> |
| <i>Bills of Exchange, 8.</i> | <i>Bail.</i> |
| <i>Executors, and Administrators, 2, 3.</i> | <i>County-courts, 10, 20.</i> |
| <i>Intestates Estates, 9.</i> | <i>Criminals, 3.</i> |
| <i>Lands, 7.</i> | <i>General-court, 19, 20, 21.</i> |
| <i>Rents, 17.</i> | <i>Imprisonment.</i> |
| <i>Affize.</i> | <i>Judicial Proceedings, 8, 10.</i> |
| <i>Lands, 12, 71.</i> | <i>11, 76.</i> |
| <i>Attachments.</i> | <i>Sherifs, 25.</i> |
| <i>Burgesses, 20.</i> | <i>See Special Bail.</i> |
| <i>County-courts, 7, 10.</i> | <i>Bailif or Receiver.</i> |
| <i>General-court 13, 21.</i> | <i>Executors, and Administrators, 9.</i> |
| <i>Judicial Proceedings, 7, 13, 14, 68, 69.</i> | <i>Bailifs.</i> |
| <i>Militia, 10.</i> | <i>Executions, 31.</i> |
| <i>Rents, 17.</i> | <i>General-court, 44.</i> |
| <i>Sherifs, 10.</i> | <i>Sherifs, 25.</i> |
| <i>Transportation, &c. 12.</i> | <i>Ballast.</i> |
| <i>Attorney General.</i> | <i>Customs, 9.</i> |
| <i>Militia, 2.</i> | <i>Banns.</i> |
| <i>Religion, 15.</i> | <i>Marriages, 1, 2, 5, 6.</i> |
| <i>Attornies.</i> | <i>Baptism.</i> |
| <i>Fees, 16.</i> | <i>Servants, 36.</i> |
| <i>Judicial Proceedings, 8, 9, 16 to 64, 73, 82.</i> | <i>2 Bargains and Sales.</i> |
| <i>Lands, 58, 59, 63.</i> | <i>See Contracts.</i> |
| <i>Mills, 10, 14.</i> | <i>Indians, 17, 18.</i> |
| <i>Rolling-houses, 2, 3.</i> | <i>Lands, 3, 4, 65, 67.</i> |
| <i>Tithables, 4.</i> | <i>Barkers of Fruit-Trees.</i> |
| <i>Tobacco, 42, 88.</i> | <i>Trespases, 5, 6, 7.</i> |
| <i>Transportation, &c. 13.</i> | <i>Baron and Feme.</i> |
| <i>Auction.</i> | <i>See Husband.</i> |
| <i>Executions, 22.</i> | <i>See Wife.</i> |
| <i>Executors, and Administrators, 2.</i> | <i>Barrels.</i> |
| <i>Intestates Estates, 9.</i> | <i>6</i> |
| <i>Judicial Proceedings, 69.</i> | <i>Barrister.</i> |
| <i>Servants, 8.</i> | <i>Attornies, 20.</i> |
| <i>Slaves, 26.</i> | <i>Bastards.</i> |
| <i>Auditor.</i> | <i>Levies, 20.</i> |
| <i>Law-Books, 1.</i> | <i>Murder, 1.</i> |
| <i>Aunts.</i> | <i>Religion, 15.</i> |
| | <i>Servants, 18.</i> |
| | <i>Batteries.</i> |
| | <i>Invasions, 16.</i> |
| | <i>Battery.</i> |
| | <i>Attornies, 5.</i> |

Gaming,

The T A B L E.

| | | | |
|-------------------------------------|---|---|----|
| <i>Gaming</i> , 9. | | <i>Servants</i> , 36. | |
| <i>Limitation</i> , &c. 1. | | <i>Slaves</i> . | |
| <i>Sailors</i> , 19. | | Bonds. | |
| Bay. | | <i>Attornies</i> , 11, 12, 13. | |
| <i>Servants</i> , 26, 27, 28. | | <i>Behaviour</i> . | |
| Beef. | | <i>Bills of Exchange</i> , 7, 8. | |
| <i>Barrels</i> . | | <i>Customs</i> , 1. | |
| Beer. | | <i>Duties</i> , 28, 77. | |
| <i>Duties</i> , 5. | | <i>Embargoes</i> , 1, 2. | |
| <i>Ordinaries</i> , 15, 17. | | <i>Executions</i> , 30. | |
| Behaviour. | | <i>Executors, and Administra-</i> | |
| <i>False News</i> , 1. | | <i>tors</i> , 2. | |
| <i>Gaming</i> , 7, 8. | | <i>Ferries</i> , 4, 16, 20, 24, 26, 28. | |
| <i>Lands</i> , 38. | | <i>Gaming</i> , 1. | |
| <i>Levies</i> , 15. | | <i>Hog-stealing</i> , 1. | |
| <i>Sailors</i> , 14, 19. | | <i>Intestates Estates</i> , 6, 9, 11, 12. | |
| <i>Servants</i> , 15. | | <i>Levies</i> , 3, 4. | |
| Betting. | | <i>Marriages</i> , 4, 9. | |
| <i>See Gaming</i> . | | <i>Ordinaries</i> , 3. | |
| Bills. | | <i>Probats</i> , 13, 14. | |
| <i>Bills of Exchange</i> , 8. | | <i>Rents</i> , 12, 13, 17. | |
| <i>Gaming</i> , 1. | | <i>Revenuc</i> , 4. | |
| <i>Ordinaries</i> , 11. | | <i>Sherifs</i> , 4. | |
| Bills of Exchange. | 7 | <i>Tobacco</i> , 23, 74. | |
| <i>Money</i> , 6, 13. | | <i>Transportation</i> , &c. 4, 6. | |
| Births. Christnings, &c. | 8 | <i>Usury</i> , 1, 3, 6. | |
| Blatphemy. | | Back Debts. | 10 |
| <i>Religion</i> , 1, 14. | | <i>Physicians</i> , 3. | |
| Boats. | | Books. | |
| <i>Trespases</i> , 8. | | <i>See Law-Books</i> . | |
| <i>Waifs</i> , 1. | | Bowles. | |
| Boatswains. | | <i>Gaming</i> , 1. | |
| <i>Customs</i> , 4. | | Brandy. | |
| <i>Revenue</i> , 3. | | <i>Duties</i> , 5, 21, 64. | |
| <i>Sailors</i> . | | <i>Indians</i> , 27. | |
| <i>Tobacco</i> , 45. | | <i>Ordinaries</i> , 15. | |
| Bona fide. | | Breach of Covenants. | |
| <i>Duties</i> , 43. | | <i>Attornies</i> , 11. | |
| <i>Executions</i> , 16. | | Breach of the Peace. | |
| <i>Executors, and Administra-</i> | | <i>Burgeses</i> , 20. | |
| <i>tors</i> , 2. | | <i>County-courts</i> , 9. | |
| <i>Fraud</i> . | | <i>General court</i> , 16. | |
| <i>Lands</i> , 64. | | <i>Juries</i> , 10. | |
| <i>Rents</i> , 7. | | <i>Sherifs</i> , 7. | |
| <i>Tobacco</i> , 49. | | Bribery. | |
| Bondage. | | <i>Duties</i> , 12, 29. | |
| | | <i>Tanners</i> , | |

The T A B L E.

Tanners, 8.
Tobacco, 78, 79.
Bridges.
Highways, 6.
Iron-Works, 1, 2, 9, 11.
Mills, 13.
Brokers.
Usury, 2.
Brothers.
Intestates Estates, 1, 2.
Probats, 7.
Brunswick.
Burgesses, 30.
County-courts, 4.
Surveyors, 22,
Tobacco, 58.
Bruton Parish.
General-court, 45.
Buildings.
See Improvements.
Burgess's.
Public Claims, 4.
Tobacco, 157.
Burials.
See Births, &c.
Burning.
See House-burning.
Tobacco, 70, 71, 83, 92, 95,
 99, 100, 116, 134.
Buyer of Slaves.
Duties, 38, 40, 42, 45, 46,
 70.
By-Laws.
Williamsburg, 16.
By-Standers.
Criminals, 9,
Juries, 5, 8.
Canoes.
Trespases, 8.
Canons.
Ministers, 2.
Capias ad satisfaciendum.
Executions, 2, 9, 14, 17.
Capitol.
Williamsburg, 1, 2, 3, 4.
Captain.

Invasions, 6.
Militia, 2, 9, 11, 13, 15, 16,
 17, 19, 21 to 26.
Cards.
Gaming, 1.
Carolina.
See North-Carolina.
Caroline.
Burgesses, 30.
County-courts, 4.
Ferries, 32.
Tobacco, 58, 127.
Carpenters.
Invasions, 3, 9.
Cask.
See Tobacco-Hogsheads.
Castle Duties.
Revenue, 5.
Virginia Owners, 2.
Catechism.
Ministers, 3.
Cattle.
Debtors, 3.
Executors, and Administra-
tors, 5, 6.
Lands, 45, 46.
Rolling-Houses, 5.
Servants, 35.
Tobacco, 91.
Trespases, 1.
Waifs, 1.
Caveat.
Transportation, &c. 6.
Caufeways.
Iron-Works, 1, 9.
Certificates.
Debtors, 1, 3.
Duties, 23, 37, 53, 55, 59, 60.
Hog-stealing, 9.
Horses, 2.
Indians, 10.
Lands, 34.
Levies, 13.
Linen Cloth, 3.
Marriages, 2.
Public Claims, 3, 4.
Revenue,

The T A B L E.

| | |
|---|--|
| <i>Revenue</i> , 17. | <i>Christnings</i> . |
| <i>Sailors</i> , 2, 3, 4, 16, 18. | See <i>Births</i> , &c. |
| <i>Servants</i> , 21, 22, 23, 24. | <i>Churches</i> . 19 |
| <i>Sherifs</i> , 25. | <i>Highways</i> , 1. |
| <i>Tar and Hemp</i> , 2 to 9. | <i>Slaves</i> , 18. |
| <i>Tobacco</i> , 15. | <i>Churchwardens</i> . |
| <i>Transportation</i> , &c. 4, 5, 6, 9. | <i>Births</i> , 8. |
| <i>Weighs</i> , 5. | <i>Churches</i> , 2. |
| <i>Wolves</i> , 3 to 10. | <i>Debtors</i> , 1. |
| <i>Chain Carriers</i> . | <i>Lands</i> , 28, 29, 31, 32, 34. |
| <i>Surveyors</i> , 4. | <i>Levies</i> , 17, to 22. |
| <i>Challenges to fight</i> . | <i>Mills</i> , 14. |
| <i>Gaming</i> , 9. | <i>Ministers</i> , 13. |
| <i>Challenges to Jurors</i> . | <i>Murder</i> , 2. |
| <i>Clergy</i> , 1. | <i>Religion</i> , 7, 8, 9, 12. |
| <i>Criminals</i> , 12. | <i>Servants</i> , 9, 12, 18, 25, 35, 40. |
| <i>House-burning</i> , 1, 2, 3. | <i>Slaves</i> , 26, 33. |
| <i>Furies</i> , 11. | <i>Vagabonds</i> , 1. |
| <i>Chancery</i> . | <i>Vestries</i> , 2. |
| <i>County-courts</i> , 6. | <i>Cider</i> . |
| <i>Customs</i> , 1. | <i>Duties</i> , 5. |
| <i>Gaming</i> , 4. | <i>Ordinaries</i> , 15. |
| <i>General court</i> , 11. | <i>Circumstances</i> . |
| <i>Religion</i> , 15. | <i>Indians</i> , 32. |
| <i>Slaves</i> , 48, 49. | <i>Slaves</i> , 12, 13. |
| <i>Usury</i> , 5. | <i>Wolves</i> , 4, 7. |
| <i>Chapels</i> . | <i>Claims</i> . |
| <i>Churches</i> , 1. | See <i>Public Claims</i> . |
| <i>Charles-City</i> . | <i>Clergy</i> . 19 |
| <i>Burgesses</i> , 21. | <i>House-burning</i> , 1, 2. |
| <i>County-courts</i> , 4. | <i>Slaves</i> , 11, 51. |
| <i>General-court</i> , 40. | <i>Clerk of a Captain of Militia</i> . |
| <i>Tobacco</i> , 58, 127. | <i>Militia</i> , 23. |
| <i>Chattles</i> . | <i>Clerk of the Council</i> . |
| <i>Slaves</i> , 1, 2, 3, 4, 36. | <i>Attornies</i> , 18. |
| <i>Chesapeak</i> . | <i>Ferries</i> , 10, 12. |
| <i>Servants</i> , 26, 27, 28. | <i>Militia</i> , 2. |
| <i>Children</i> . | <i>Clerk of the County Court</i> . |
| <i>Intestates Estates</i> , 1. | <i>Attornies</i> , 1, 3, 10. |
| <i>Levies</i> , 19. | <i>Burgesses</i> , 23. |
| <i>Probats</i> , 7, 21. | <i>County-courts</i> , 8, 11, 12, 18. |
| <i>Servants</i> , 2, 36. | <i>Debtors</i> , 1. |
| <i>Slaves</i> , 9, 31, 41, 49. | <i>Execution</i> , 17, 25, 29, 33. |
| <i>Tithables</i> , 2. | <i>Fees</i> , 1, 4, 5, 10, 11, 13, 14, 15. |
| <i>Vagabonds</i> , 1. | <i>Judicial Proceedings</i> , 1, 65, |
| <i>Workhouses</i> , 1. | 71, 72, 73, 79. |
| | <i>Lands</i> , |

The T A B L E.

| | |
|---|--------------------------------|
| <i>Lands</i> , 28, 31, 34, 66, 68, 69. | <i>Tanners</i> , 4, 11. |
| <i>Marriages</i> , 4, 7, 8, 9. | Coin. |
| <i>Militia</i> , 2. | See Money. |
| <i>Ordinaries</i> , 3, 9. | Collector. |
| <i>Probats</i> , 23, 28. | Customs, 4 to 9. |
| <i>Public Claims</i> , 1, 2, 4, 8. | Duties, 2. |
| <i>Rents</i> , 13, 14. | Embargoes, 2. |
| <i>Servants</i> , 21, 39. | Revenue, 3, 4, 13, 14, 16. |
| <i>Sherifs</i> , 25. | Tobacco, 26. |
| <i>Surveyors</i> , 7. | Collector of Customs. |
| <i>Tar and Hemp</i> , 5, 8. | Customs, 3. |
| <i>Tithables</i> , 3. | Duties, 56. |
| <i>Tobacco</i> , 58, 59, 62, 64, 88, | <i>Tar and Hemp</i> , 3. |
| 103, 139. | Collector of Duty on Furr's. |
| <i>Transportation</i> , &c. 4, 5, 10, | Duties, 2, 3. |
| 13. | Collector of Duty on Liquors. |
| <i>Burgesses</i> , 43. | Duties, 6, 8, 10, to 38, 64, |
| <i>Wolves</i> , 5. | 66, 67, 77, 78. |
| Clerk of the Court of Field Of- | Collector of Duty on Slaves. |
| ficers. | Duties, 38, to 47, 49, 53, 70, |
| <i>Militia</i> , 20, 21, 22. | 71, 72, 78. |
| Clerk of the General Court. | Collector of Duty on Tobacco. |
| <i>Births</i> , &c. 6. | Duties, 55, 57. |
| <i>Burgesses</i> , 17. | Tobacco, 4. |
| <i>Criminals</i> , 4, 8, 9. | Collector of Levies. |
| <i>Fees</i> , 10, 13. | Levies, 2, to 14, 23. |
| <i>General Court</i> , 12, 13, 23, 24, | Ministers, 8, to 12. |
| 26, 27. | Rents, 14. |
| <i>Judicial Proceedings</i> , 7, 8, 16, | Sherifs, 32. |
| to 64. | Tobacco, 21, 41, 59, 61, 62, |
| <i>Lands</i> , 20, 43, 53, 66, 67, 68. | 64, 128. |
| <i>Militia</i> , 2. | Collector of Officers Fees. |
| <i>Prisons</i> , 11. | Fees, 5. |
| <i>Revenue</i> , 17. | Rents, 14. |
| <i>Sherifs</i> , 27. | Sherifs, 32. |
| <i>Tobacco</i> , 88. | Tobacco, 59, 61, 62, 64, 128. |
| <i>Transportation</i> , &c. 10. | College. |
| Clerk of the Governor. | Burgesses, 13. |
| <i>Naturalization</i> , 2. | Duties, 1, 18, 60, to 64. |
| Clerk of the Parish. | <i>Militia</i> , 3. |
| See Readers. | Collusion. |
| Clerk of the Secretary's Office. | See Fraud. |
| See Clerk of the General Court. | Colonel. |
| Clerk of the Vestry. | Ferries, 10. |
| <i>Lands</i> , 29. | Indians, 24. |
| Cobblers. | Invasions, 3, 6. |
| | <i>Militia</i> , 1. |

The T A B L E.

| | |
|--|---|
| <i>Militia</i> , 1, 11, 14, 17, 24. | <i>Rents</i> , 1, 12, 13. |
| Commander in Chief, of Militia. | <i>Sailors</i> , 1, 8, 16, 19. |
| <i>Ferries</i> , 10. | <i>Servants</i> , 25, to 30, 35, 44, 45. |
| <i>Invasions</i> , 2, 5, 6, 15, 17. | <i>Sheriffs</i> , 25. |
| <i>Militia</i> , 1, 3, 5, 11, 12, 14, 17, to 23, 24. | <i>Slaves</i> , 21. |
| Commander in Chief, of Virginia. | <i>Tar and Hemp</i> , 8. |
| See Governor. | <i>Tobacco</i> , 35, 38, to 43, 59, 61, 62, 64, 95, 145, 158, 159, 160, 161, 162. |
| Commissioners of Oyer and Terminer. | <i>Transportation</i> , &c. 12. |
| See Oyer and Terminer. | Continuance. |
| Commissioners of Public Warehouses. | See Discontinuance. |
| <i>Tobacco</i> 88, to 92, 98, 107. | Contracts. |
| Common-Prayer. | <i>Attornies</i> , 6. |
| <i>Ministers</i> , 3. | <i>Gaming</i> , 1. |
| Composition. | <i>Limitation</i> , 1. |
| <i>Duties</i> , 75. | <i>Servants</i> , 12. |
| Concealments. | <i>Usury</i> , 1, 3, 6. |
| <i>Murder</i> , 1. | Conveiances. |
| <i>Sailors</i> , 9. | <i>Gaming</i> , 1, 2. |
| <i>Tithables</i> , 4. | <i>Lands</i> , 3, 4, 5, 64, 74. |
| <i>Tobacco</i> , 46. | <i>Burgesses</i> , 2. |
| Confession. | <i>Usury</i> , 1, 3, 6. |
| <i>Lands</i> , 38. | Cooper. |
| <i>Religion</i> , 4, 6, 7. | <i>Barrels</i> , 2. |
| <i>Slaves</i> , 12. | <i>Tobacco</i> , 15, 16. |
| Confirmation. | Copper. |
| <i>Lands</i> , 7, 8. | <i>Money</i> , 10. |
| <i>Naturalization</i> , 3, 5. | Copper-works. |
| <i>Town Lands</i> . | <i>Militia</i> , 3. |
| Conspiracies. | <i>Lands</i> , 46. |
| <i>Slaves</i> , 11. | Cordwainer. |
| Constable. | <i>Tanners</i> , 4, 11. |
| <i>Duties</i> , 19, 35, 60. | Corn. |
| <i>Executions</i> , 31. | See Grain. |
| <i>Fees</i> , 1, 5, 8, 11. | Cornet. |
| <i>Ferries</i> , 5. | <i>Invasions</i> , 6. |
| <i>General-court</i> , 45. | <i>Militia</i> , 9. |
| <i>Invasions</i> , 15. | Coroner. |
| <i>Judicial Proceedings</i> , 68. | <i>Executions</i> , 21 to 30. |
| <i>Levies</i> , 15. | <i>Fees</i> , 1, 6, 7, 11. |
| <i>Militia</i> , 10. | <i>General-court</i> , 14. |
| <i>Religion</i> , 4. | <i>Sheriffs</i> , 23. |
| | Corporal. |
| | <i>Invasions</i> , 6. |

Militia,

The T A B L E.

Militia, 15.
 Corporations.
Indians, 28.
Williamsburg, 16.
 Correction.
Sailors, 19.
Servants, 7, 34.
Slaves, 27, 28.
Tanners, 11.
 Coffinage.
Lands, 12, 70.
 Cofts.
Attornies, 4 to 9, 12, 14, 19.
Barrels, 2 to 7.
Burgesses, 2, 3, 5, 11, 16, 17.
County-courts, 18.
Customs, 7, 9, 10.
Double Cofts.
Duties, 2, 6, 7, 8, 10, 12, 20, 22, 24, 27, 29, 37, 38, 41, 45, 55, 58, 61, 68.
Ferries, 7.
Gaming, 3, 6, 9.
General-court, 32, 37.
Highways, 1, 3, 5, 7, 9.
Hogstealing, 1, 8.
Indians, 13.
Judicial Proceedings, 24, 32, 33, 37, 42, 43, 44, 45, 47, 57, 59, 77, 82.
Lands, 31, 34, 38.
Levies, 17, 18, 20, 21.
Limitation, &c. 4.
Marriages, 1, 3, 4, 6, 7, 10.
Mills, 8, 10.
Murder, 2.
Ordinaries, 1, 3, 5, 6, 8, to 13, 15.
Prisons, 1.
Quarentine, 4.
Rents, 2, 3.
Rivers, 2, 3, 4.
Sailors, 8, 15.
Servants, 7, 13, 15, 20, 21, 25, 28, 40, 43, 56.

Sherifs, 14, 15, 16, 18.
Slaves, 17, 19, 20, 21, 33.
Tar and Hemp, 6.
Tithables, 4.
Tobacco, 6, 8, 16, 18, 23, 24, 26, 29, 30, 31, 34, 38, 40, 41, 43, 57, 64, 78, 82, 95, 96, 113, 130, 132, 141, 142, 145, 155.
Transportation, &c. 2, 9, 10.
Trespaffes, 1, 4 6.
Burgesses, 2.
Usury, 4.
Waifts, 1.
Wolves, 8.
 Covenants.
Attornies, 11.
Contracts.
Usury, 3.
 Covin.
 See Fraud.
 Council.
Attornies, 15, 16, 18.
Duties, 2, 16, 33, 64.
General-court.
Grain, 3.
Indians, 19, 28, 32, 34, 35.
Minifters, 1.
Quarentine, 1.
Revenue, 4, 14, 15.
Slaves, 26.
Surveyors, 16.
Tobacco, 51, 121, 139.
Treasurer, 5, 14.
 Council for Prifoners.
Criminals, 9.
 Councillor.
County-courts, 10.
Debtors, 2.
Ferries, 10.
General-court, 13.
Judicial Proceedings, 40, 76.
Militia, 2.
Pardon, 12.
Prifons, 11.
Probats, 25.

The T A B L E.

| | |
|---|---|
| <i>Tobacco-plants</i> , 1. | <i>Slaves</i> , 13, 25, 27, 28, 48, 49, 50. |
| <i>Councillor at Law</i> . | <i>Surveyors</i> , 1, 7, 8, 9. |
| <i>Attornies</i> , 20. | <i>Tanners</i> , 3, 5, 6, 7, 11. |
| <i>Councillors</i> , (two) | <i>Tar and Hemp</i> , 4, 5, 8. |
| <i>General-court</i> , 28. | <i>Tithables</i> , 1, 2, 3. |
| <i>County-Courts</i> . | <i>Tobacco</i> , 9, 11, 33, 41, 42, 60, |
| <i>Attornies</i> , 2, 4, 5, 6, 19. | 66, 82, 89, 90, 113, 121, 138, |
| <i>Burgesses</i> , 21, 29. | 150, 156, 160, 161. |
| <i>Executions</i> , 35. | <i>Town Lands</i> , 3. |
| <i>Executors, and Administrators</i> , | <i>Transportation</i> , &c. 12. |
| 12, 13, 14. | <i>Vagabonds</i> , 1. |
| <i>False News</i> , 1. | <i>Usury</i> , 5. |
| <i>Fees</i> , 15, 16. | <i>Weights</i> , 2, 4. |
| <i>Ferries</i> , 2, 3, 4, 5, 8, 17, 21, | <i>Wolves</i> , 2, 3, 9. |
| 24, 26, 28, 29. | <i>Work-houses</i> , 1. |
| <i>General-court</i> , 6, 25. | <i>County-Lieutenant</i> . |
| <i>Highways</i> , 2, 6, 8, 9. | <i>Invasions</i> , 1, to 7, 15, 17. |
| <i>Hogstealing</i> , 1, 8. | <i>Court-houses</i> . |
| <i>Horses</i> , 1. | <i>Ferries</i> , 5. |
| <i>Indians</i> , 10. | <i>Highways</i> , 1. |
| <i>Intestates Estates</i> , 6, 9, 11 to | <i>Courts</i> . |
| 15. | <i>County-courts</i> , |
| <i>Iron-Works</i> , 1, 3, 8. | <i>Examining-court</i> , |
| <i>Judicial Proceedings</i> , 67, 69, | <i>General-court</i> , |
| 71, 73, 78, 81. | <i>Hustings</i> , |
| <i>Juries</i> , 1, 3, 8, 10. | <i>Public Claims</i> , |
| <i>Lands</i> , 28, 31, 34, 38, 40, | <i>Courts of Record</i> . |
| 53, 58. | <i>General-court</i> , 42, 47. |
| <i>Law Books</i> , 1, 2. | <i>Cranes</i> . |
| <i>Levies</i> , 1, 2, 3, 4, 15, 17, | <i>Tobacco</i> , 107. |
| 19, 22. | <i>Creeks</i> . |
| <i>Linen Cloth</i> , 2, 3. | <i>See Rivers and Creeks</i> . |
| <i>Mills</i> , 1, 5, 10. | <i>Credit</i> . |
| <i>Ordinaries</i> , 3, 5, 6, 7. | <i>Ordinaries</i> , 17. |
| <i>Orphans</i> , 1. | <i>Creditors</i> . |
| <i>Penal Laws</i> , 1, 2, 3. | <i>Debtors</i> , 2. |
| <i>Prisons</i> , 1, 2. | <i>Executions</i> , 16, 33 to 40, 41. |
| <i>Probats</i> , 1, 2, 4, 5, 7, 8, 10, to 17. | <i>Executors, and Administrators</i> , |
| <i>Religion</i> , 4, 13, 14, 16. | 1. |
| <i>Rents</i> , 13, 17. | <i>Intestates Estates</i> , 6, 9. |
| <i>Rivers</i> , 1, 3. | <i>Lands</i> , 64, 65. |
| <i>Rolling-houses</i> , 1, 2, 3, 8, 9. | <i>Ministers</i> , 10, 11. |
| <i>Servants</i> , 2, 7, 8, 9, 12, 13, | <i>Probats</i> , 13. |
| 16, 18, 19, 21, 30, 31, 33, | <i>Rents</i> , 12, 14. |
| 37, 46, 58, 59, 60. | <i>Sherifs</i> , 30. |
| <i>Sherifs</i> , 1, 4, 15, 20, 25. | <i>Tobacco</i> , 11, 59, 64. |
| | <i>Criminals</i> . |

The TABLE.

| | | | |
|---------------------------------------|----|-------------------------------------|----|
| Criminals. | 27 | Debtors. | 33 |
| County-courts, 6, 9. | | Creditors. | |
| General-court, 16, 17. | | Poor Prisoners. | |
| Slaves, 12. | | Prisons, 6, 14. | |
| Williamsburg, 32. | | Tobacco, 11, 12, 13. | |
| Crops. | | Transportation, &c. 12. | |
| Executors, and Administrators, 7. | | Debts to the King. | |
| Probats, 18. | | Rents, 11. | |
| Crown. | | Deceit. | |
| See Pleas of the Crown. | | See Fraud. | |
| Crows. | | Declarations. | |
| Levies, 22. | | County-courts, 11, 16. | |
| Curriers. | | Dedimus potestatem. | |
| Tanners, 2, 3, 11. | | County-courts, 18. | |
| Curfing. | | General-court, 28, 29, 30. | |
| Religion, 4. | | Judicial Proceedings, 61, 62. | |
| Customs. | | Tobacco, 66, 139, 144. | |
| Cuttenemons. | 30 | Deed Poll. | |
| Indians, 22. | | Lands, 64. | |
| Damages. | | Deeds. | |
| Attornies, 5. | | Lands, 3, 4, 7, 64. | |
| County-courts, 19, 20. | | Deer. | 34 |
| Double Damages. | | Indians, 13. | |
| Fourfold Damages. | | Default of the Tenant. | |
| General-court, 39, 41. | | Lands, 71. | |
| Inquiry of Damages. | | Defendants. | |
| Limitation, &c. 4. | | Attornies, 4, 6, 7. | |
| Rolling-houses, 7, 11. | | Duties, 19. | |
| Sailors, 19. | | Executions, 17. | |
| Servants, 29, 35. | | Demise of the King, or Queen. | |
| Sherifs, 5. | | Judicial Proceedings, 4, 5. | |
| Tobacco, 155. | | Demurrers. | |
| Trespases, 1, 2. | | Judicial Proceedings, 55 to 61, 77. | |
| Dealing with Servants, &c. | | Penal Laws, 3. | |
| Servants, 15. | | Depositions. | |
| Death. | | Trespases, 3. | |
| Attornies, 9. | | Deputies to the Secretary. | |
| Births, &c. 1, 2, 3, 5, 6. | | Transportation, &c. 1, 4, 6, 9, 10. | |
| Executions, 15. | | Detinue. | |
| Judicial Proceedings, 4, 5. | | Judicial Proceedings, 81. | |
| Debt. | | Limitation, &c. 1. | |
| Attornies, 13. | | Slaves, 7. | |
| Bills of Exchange, 6. | | Devifes. | |
| Limitation, &c. 1. | | Executions, 32. | |
| Rents, 8. | | | |

Wills

The T A B L E.

| | |
|---|---|
| <i>Wills.</i> | <i>Lands, 12.</i> |
| Dice. | Dissenters. |
| <i>Gaming, 1.</i> | <i>Religion, 6.</i> |
| Diet. | Distress. |
| <i>Entertainment, &c. 1.</i> | <i>Deer, 1.</i> |
| Dignity. | <i>Disturbers, &c. 1.</i> |
| <i>Bills of Exchange, 3.</i> | <i>Executions, 41.</i> |
| <i>Intestates Estates, 9, 10.</i> | <i>Fees, 13.</i> |
| <i>Quit-Rents, 1.</i> | <i>Grain, 1.</i> |
| <i>Rents, 13.</i> | <i>Lands, 41.</i> |
| Dilapidations. | <i>Levies, 17, 23.</i> |
| <i>Ministers, 13.</i> | <i>Marriages, 8.</i> |
| Disability. | <i>Militia, 10, 20.</i> |
| <i>Attornies, 18.</i> | <i>Ministers, 9.</i> |
| <i>Burgesses, 4, 18, 31, 33, 34.</i> | <i>Religion, 4.</i> |
| <i>Customs, 7.</i> | <i>Rents, per tot.</i> |
| <i>Duties, 12, 29.</i> | <i>Servants, 9.</i> |
| <i>Executors, and Administra-</i> | <i>Sherifs 32, 33.</i> |
| <i>tors, 10.</i> | <i>Tobacco, 62, 63.</i> |
| <i>Lands, 11, 13.</i> | <i>Weights, 3.</i> |
| <i>Religion, 1.</i> | Distribution. |
| <i>Tobacco, 78, 139.</i> | <i>Executors & Administrat. 2.</i> |
| Discharge. | <i>Intestates Estates, 1, 2, 3, 4, 6.</i> |
| <i>Churches, 2.</i> | <i>Disturbers of Divine Service, 34.</i> |
| <i>Executors & Administrators, 2.</i> | Division of Counties. |
| <i>Sailors, 15, 18.</i> | <i>Frontiers, 1, 2.</i> |
| <i>Sherifs, 24.</i> | Double Costs. |
| Disclaimer. | <i>Duties, 35, 67.</i> |
| <i>Limitation, &c. 3.</i> | <i>Judicial Proceedings, 38, 46.</i> |
| Discontinuance. | <i>Ordinaries, 17.</i> |
| <i>Burgesses, 20.</i> | <i>Tobacco, 66, 145.</i> |
| <i>County Courts, 17.</i> | Double Damages. |
| <i>Judicial Proceedings, 26.</i> | <i>Militia, 10.</i> |
| Discovery. | <i>Rents, 3.</i> |
| <i>Gaming, 4.</i> | <i>Servants, 5.</i> |
| <i>Indians, 28.</i> | <i>Tobacco, 57, 64, 132.</i> |
| <i>Usury 5.</i> | <i>Trespases, 1, 4.</i> |
| Discount. | <i>Usury, 1, 6.</i> |
| <i>Bills of Exchange, 7, 8.</i> | Dower. |
| <i>Levies, 8.</i> | <i>Intestates Estates, 7, 8.</i> |
| Dismembring. | <i>Slaves, 8, 9, 10, 41, 48, 50.</i> |
| <i>County Courts, 6.</i> | Drawback. |
| <i>Pillory.</i> | <i>Revenue, 4, 15.</i> |
| <i>Servants, 37.</i> | <i>Duties, 10, 13, 14, 26, 30, 31,</i> |
| <i>Slaves, 27, 28, 29.</i> | <i>43, 44, 46.</i> |
| Disseisin. | Drummer. |
| | <i>Invasions,</i> |

The T A B L E.

Invasions, 6.
Militia, 4, 15.
 Drunkenness.
Religion, 4.
 Ducking.
Slander, 1.
 Ducking-Stools.
Prisons, 1.
 Duties. 35
 Customs.
 Virginia Owners, 1.
 Eastern-Shore.
 Levies, 22.
 Ecclesiastical Causes, and Persons.
 General-court, 4.
 Ministers.
 Ejectment.
 Attornies, 4.
 Election.
 Burgesses.
 Sherifs, 6.
 Slaves, 6, 32.
 Tobacco, 157.
 Burgesses.
 Elegit.
 Executions, 2, 8, 13, 17.
 Elizabeth-City.
 Burgesses, 21.
 County-courts, 4.
 General-court, 40.
 Invasions, 5.
 Tobacco, 58, 127.
 Embargos. 47
 Enemies.
 Indians, 1, 5, 8.
 Invasions.
 Enrolment.
 Records.
 Ensign.
 Invasions, 6.
 Militia, 9.
 Entertaiment of Strangers. 48
 Entries for Lands.
 Lands, 25.
 Surveyors, 5, 13, 14, 15.

Entries into Lands.
 Lands, 10, 12.
 Entries of Vessels.
 Customs, 2.
 Duties, 6, 8, 10, 27.
 Revenue, 3, 12.
 Errors.
 General-court, 38.
 Escapes.
 Executions, 31, 35.
 Prisons, 1.
 Sailors, 8, 16.
 Servants, 29, 48.
 Sherifs, 7, 23, 24, 25, 26, 27, 28.
 Effex.
 Burgesses, 21.
 County-courts, 4.
 General-court, 40.
 Tobacco, 58.
 Effoins.
 Lands, 71.
 Estrays.
 Waifts, and Strays.
 Evidence.
 Book-Debts.
 County-courts, 18.
 Duties, 19, 35, 45, 67.
 Executions, 35.
 Executors, and Administrators, 1.
 Fees, 13.
 General-court, 28, 29, 30.
 Indians, 14, 32.
 Lands, 23, 32, 38, 53, 58, 62.
 Physicians, 3.
 Slaves, 12.
 Tobacco, 9, 66, 85, 145.
 Wolves, 4, 7.
 Examining Courts.
 Criminals, 2.
 Execution of Writs.
 County-courts, 9.
 General-court, 35.
 Judicial Proceedings, 7.
 Sherifs, 5, 6.

Executions.

The T A B L E.

| | | | |
|--|----|--------------------------------|----|
| Executions. | 48 | Ordinaries, 18. | |
| Attornies, 10. | | Slaves, 2. | |
| Burgesses, 20. | | Tobacco, 56. | |
| Judicial Proceedings, 68. | | Fairs. | |
| Militia, 10. | | Williamsburg, 18. | |
| Rents, 4, 5, 12, 13, 14, 15, 16. | | False Entries. | |
| Sailors, 17. | | Entries of Vessels. | |
| Sheriffs, 25, 30. | | False Imprisonment. | |
| Slaves, 3, 46, 47. | | Attornies, 4. | |
| Tobacco, 62. | | False News. | 62 |
| Executors and Administrators, 59. | | False packing. | |
| Attorneys, 8, 9. | | Tobacco, 8, 9, 10. | |
| Bills of Exchange, 3, 8. | | False Returns. | |
| Book Debts, 1, 2, 4. | | Returns of Writs. | |
| Executions, 15. | | Fasts. | |
| Fees, 16. | | Feasts and Fasts. | |
| Intestates Estates, 4, 5, 9, 10. | | Father. | |
| Lands, 22. | | Parents. | |
| Law-books, 2. | | Probats, 7. | |
| Probats, &c. | | Feasts and Fasts. | 63 |
| Religion, 1. | | Fees. | 63 |
| Rents, 3. | | Births, &c. 6. | |
| Slaves, 40. | | Criminals, 6. | |
| Executors de son tort: | | Customs, 5, 8. | |
| Executors & Administrat. 8. | | Intestates Estates, 9. | |
| Executors in Trust: | | Judicial Proceedings, 82. | |
| Probats, 21. | | Marriages, 8. | |
| Exigent. | | Militia, 12. | |
| Judicial Proceedings, 15. | | Naturalization, 2. | |
| Exportation. | | Physicians, 1, 2. | |
| Barrels, 1, 3, 5. | | Prisons, 7, 10. | |
| Duties, 2, 13, 30, 43, 55. | | Public Claims, 4. | |
| Grain, 3, 4. | | Rolling houses, 6, 10, 12. | |
| Money, 1. | | Sheriffs, 30, 32, 33. | |
| Revenue, 1, 7, 8. | | Surveyors, 13, 15, 17, 18, 20. | |
| Tar and Hemp, 3. | | Tobacco, 13, 58, 59, 61, 62. | |
| Tobacco, 16, 45, 86. | | 64, 83, 103, 125, 126, 128. | |
| Exprefles. | | Transportation, &c. 13. | |
| Ferries, 10, 10 14. | | Ufury, 2. | |
| Invasions, 2, 10. | | Weights, &c. 5. | |
| Extents. | | Felons and Felony. | |
| Executions, 18, 19, 20. | | Burgesses, 20. | |
| Rents, 4. | | Clergy, 2, 3. | |
| Factors. | | County-courts, 9. | |
| Duties, 45, 72. | | Criminals, 8, 9. | |
| Limitation, &c. 1. | | Executions, 31. | |

General-

The T A B L E.

General-court, 16.
Hogstealing, 6.
Houseburning.
Indians, 30, 31, 35.
Juries, 8, 10.
Sherifs, 7, 26, 31.
Slaves, 11, 51.
Tobacco, 48, 86.
Feme-covert.
 Wife.
Feme-sole.
 Women.
Fences.
 Tobacco-Plants, 1.
 Trespases, 1, 3.
Feoffees.
 Town Lands, 1, 2, 3.
Ferries.
 Highways, 1.
 Servants, 45.
Ferry-Keepers.
 Ferries.
Fieri facias.
 Executions, 2 to 8, 12, 17,
 22, 25.
Fighting.
 Gaming, 9.
Fines and Forfeitures.
 Acts of Assembly, 1.
 Attornies, 1, 15.
 Baptism, 1.
 Barrels, 2 to 7.
 Births, 4 to 9.
 Burgesses, 2, 3, 5, 11, 16, 17,
 34.
 County-courts, 2, 6, 12.
 Criminals, 8 10.
 Customs, 7, 9, 10.
 Debtors, 3.
 Deer, 1.
 Disturbers, &c. 1, 2.
 Duties, 2, 6, 7, 8, 10, 12, 22,
 24, 27, 29, 37, 38, 41, 45,
 55, 58, 60, 61, 64, 68, 71,
 74.
 False-News, 1.

77

Fees, 10, 11.
Ferries, 7.
Gaming, 3, 6, 9.
General-court, 2, 9, 32, 33.
Grain, 1, 4.
Highways, 1, 3, 5, 7, 9.
Hogstealing, 1, 8, 9.
Horses, 1, 2, 4.
Houseburning, 4.
Indians, 10, 13, 14, 18, 27.
Iron-Works, 5, 6, 17.
Judicial Proceedings, 66, 67.
Juries, 2, 3, 4, 6, 8.
Lands, 31, 34, 38.
Levies, 13, 17, 18, 20, 21.
Marriages, 1, 3, 4, 6, 7, 10.
Militia, 5, 7, 9, 13, 14, 15.
Mills, 8, 10, 13, 14.
Money, 4, 9.
Murder, 2.
Ordinaries, 1, 3, 5, 6, 8, 9, 11,
 12, 15.
Pardon, 11, 12.
Prisons, 1.
Public Claims, 2.
Quarentine, 2, 4.
Religion, 4, 6, 7, 8, 9, 15, 16.
Revenue, 3, 12.
Rivers, 2 to 6.
Rolling-houses, 3.
Sailors, 8, 9, 12, 14, 15, 18.
Servants, 7, 12, 18, 19, 20, 21,
 25, 28, 32, 40, 43, 49, 55,
 56.
Sherifs, 5, 14, 15, 16.
Slaves, 10, 17, 19, 20, 21, 23,
 33, 39.
Surveyors, 2, 6, 7, 14, 16, 20,
 21, 22.
Tanners, 1, 2, 7 to 12.
Tar and Hemp, 6.
Tithables, 4.
Tobacco, 2, 4, 6, 8, 16, 18, 23,
 24, 26, 29, 30, 31, 34, 38,
 40, 45, 46, 55, 57, 66, 78,
 79, 80, 82, 95, 96, 111, 113,
 130.
 Y y

The T A B L E.

| | |
|--|---|
| 130, 132, 134, 141, 142,
145, 146, 150, 157, 162. | <i>Servants</i> , 15. |
| <i>Transportation</i> , &c. 1, 2, 8,
9, 10. | <i>Tar and Hemp</i> , 6. |
| <i>Trespasses</i> , 6, 8. | <i>Fowling</i> . |
| <i>Burgesses</i> , 2. | <i>Lands</i> , 38. |
| <i>Usury</i> , 1, 2, 6. | <i>Fraud</i> . |
| <i>Waifs</i> , &c. 1. | <i>Gaming</i> , 2, 6. |
| <i>Weights</i> , &c. 2, 3. | <i>Servants</i> , 57, 58. |
| <i>Wolves</i> , 8. | <i>Burgesses</i> , 2. |
| <i>Fines and Recoveries</i> . | <i>Fraudulent Devises</i> . |
| <i>Lands</i> , 67. | <i>Executions</i> , 32. |
| <i>Fishing</i> . | <i>Freedom, and Freedom Dues</i> . |
| <i>Indians</i> , 22. | <i>Servants</i> , 10, 11, 21. |
| <i>Lands</i> , 38. | <i>Slaves</i> , 26. |
| <i>Flax</i> . | <i>Freeholders</i> . |
| <i>Linen Cloth</i> , 1. | <i>Burgesses</i> , 1, 3, 8, 10, 12. |
| <i>Flour</i> . | <i>Criminals</i> , 8, 11. |
| <i>Grain</i> , 3. | <i>Iron Works</i> , 12. |
| <i>Foot Soldier</i> . | <i>Juries</i> , 1, 2, 5, 6, 10. |
| <i>Invasions</i> , 6, 7. | <i>Lands</i> , 28, 30, 32, 34. |
| <i>Militia</i> , 6, 7, 8, 10, 12, 13, 15. | <i>Rolling-houses</i> , 3. |
| <i>Forfeitures</i> . | <i>Slaves</i> , 6. |
| <i>Fines and Forfeitures</i> . | <i>Burgesses</i> . |
| <i>Forgery</i> . | <i>Freighters</i> . |
| <i>Marriages</i> , 3. | <i>Tobacco</i> , 20, 23, 24, 26, 68,
108, 115, 135, 137. |
| <i>Servants</i> , 21, 56. | <i>Fresh Suit</i> . |
| <i>Tobacco</i> , 86, 113. | <i>Sherifs</i> , 23. |
| <i>Form and Substance</i> . | <i>Frontiers</i> . 85 |
| <i>County-courts</i> , 16. | <i>Fruit Trees</i> . |
| <i>General-court</i> , 38. | <i>Trespasses</i> , 5, 6, 7. |
| <i>Judicial Proceedings</i> , 71. | <i>Funeral Expences</i> . |
| <i>Penal Laws</i> , 2, 3, 4. | <i>Intestates Estates</i> , 1, 14. |
| <i>Servants</i> , 10. | <i>Funeral Sermons</i> . |
| <i>Slaves</i> , 15. | <i>Marriages</i> , 12. |
| <i>Tobacco</i> , 12. | <i>Furrs</i> . |
| <i>Formedon</i> . | <i>Duties</i> , 1, 2, 59, 60. |
| <i>Lands</i> , 10. | <i>Gaming</i> . 85 |
| <i>Fornication</i> . | <i>Geldings</i> . |
| <i>Religion</i> , 7, 16. | <i>Horses</i> , 1. |
| <i>Forts</i> . | <i>General Court</i> . 88 |
| <i>Invasions</i> , 16. | <i>Criminals</i> , 5, 13, 14. |
| <i>Revenue</i> , 1. | <i>Duties</i> , 73. |
| <i>Founders</i> . | <i>Executors, & Administrators</i> . |
| <i>Militia</i> , 3. | 12, 13, 14. |
| <i>Fourfold Damages</i> . | <i>Fees</i> , 15. |
| | <i>Hogstealing</i> , 1. |
| | <i>Indians</i> , |

The T A B L E.

Indians, 19.
Judicial Proceedings, 16 to 64.
Juries, 5, 6, 8, 10.
Lands, 20, 53, 67.
Law Books, 1.
Mills, 5.
Ordinaries, 9, 13.
Prisons, 1, 7.
Probats, 24, 26.
Religion, 1, 14, 15.
Revenue, 17.
Rolling-houses, 8.
Servants, 46.
Sherifs, 26.
Tobacco, 150.
Usury, 5.
General Issue.
Duties, 19, 35, 67.
Executions, 35.
Fees, 13.
Indians, 14.
Tobacco, 66, 145.
Glebes.
Ministers, 12, 13.
Gloucester.
Burgesses, 21.
County-courts, 4.
General-court, 40.
Tobacco, 58, 127.
Goalers.
Executions, 33, 35, 38.
Keeper of the Public Goal.
Sherifs, 23, 25, 30.
Goals.
Prisons.
Goats.
Lands, 45, 46.
Rolling-houses, 5.
Trespases, 1.
Goochland.
Burgesses, 30.
County-courts, 4.
Surveyors, 22.
Tobacco, 58.
Good-behaviour.

Behaviour.
Gold.
Money, 2, 4, 5, 16.
Governor.
Attornies, 15, 16, 18.
Burgesses, 2, 27.
County-courts, 1.
Debtors, 1.
Duties, 2, 15, 16, 20, 32, 33, 36, 47, 48, 64, 68, 76.
Ferries, 10, 11, 12.
General-court, 1, 47.
Grain, 3, 4.
Indians, 1, 3, 7, 8, 9, 10, 11, 28, 30, 32, 34, 35.
Invasions, 1, 2, 5, 16.
Judicial Proceedings, 6, 7.
Lands, 20.
Magazine, 1, 2.
Marriages, 4, 7, 8.
Ministers, 1.
Naturalization, 1, 2.
Ordinaries, 4.
Pardon, 11.
Prisons, 5, 13.
Probats, 1, 11, 25.
Quarentine, 1.
Revenue, 1, 4, 14, 15, 17.
Servants, 51.
Sherifs, 1, 2, 15, 16.
Slaves, 12, 26.
Surveyors, 16.
Tar and Hemp, 3, 5, 8.
Tithables, 6.
Tobacco, 51, 74, 88, 121, 139.
Tobacco-plants, 1.
Treasurer, 5, 12, 14.
Virginia Owners, 1.
Governors of the College.
Duties, 3, 18, 62.
Grain.
Houseburning, 1.
Grand Assize.
Lands, 71.
Grand Juries.
Criminals, 8.

The T A B L E.

| | |
|---|---|
| <i>Grain</i> , 1. | <i>Henrico</i> . |
| <i>Juries</i> , 1 to 8. | <i>Burgesſes</i> , 21. |
| <i>Penal Laws</i> , 1, 2. | <i>County-courts</i> , 4. |
| <i>Religion</i> , 13. | <i>General-court</i> , 40. |
| <i>Grievances</i> . | <i>Tobacco</i> , 58. |
| <i>Burgesſes</i> , 23. | <i>Hides</i> . |
| <i>Guard</i> . | <i>Duties</i> , 61. |
| <i>Sheriffs</i> , 31. | <i>Tanners</i> . |
| <i>Guardians</i> . | <i>Highways</i> . 97 |
| <i>Executors and Administra-</i> | <i>Ferries</i> , 5. |
| <i>tors</i> , 6, 9, to 15. | <i>Iron-Works</i> , 1, 2, 9, 10. |
| <i>Marriages</i> , 4, 5. | <i>Mills</i> , 13. |
| <i>Guns</i> . | <i>Hogs</i> . |
| <i>Arms</i> . | <i>Rolling-houſes</i> , 5. |
| <i>Habeas corpus, cum cauſa</i> . | <i>Servants</i> , 35. |
| <i>Sheriffs</i> , 27. | <i>Tobacco</i> , 91. |
| <i>Hanover</i> . | <i>Treſpaſſes</i> , 1. |
| <i>Burgesſes</i> , 30. | <i>Hoſtealing</i> . 99 |
| <i>County-courts</i> , 4. | <i>Holy Days</i> . |
| <i>Ferries</i> , 32. | <i>Feaſts and Faſts</i> . |
| <i>Surveyors</i> , 22. | <i>Homicide</i> . |
| <i>Tobacco</i> , 58. | <i>Slaves</i> , 28. |
| <i>Harbours</i> . | <i>Horſeman</i> . |
| <i>Customs</i> , 9. | <i>Invaſions</i> , 6, 7. |
| <i>Havens</i> . | <i>Militia</i> , 6, 7, 8, 10, 12, 13, 15. |
| <i>Customs</i> , 9. | <i>Horſes and Mares</i> . 101 |
| <i>Headboroughs</i> . | <i>Rolling-houſes</i> , 5. |
| <i>Executions</i> , 31. | <i>Servants</i> , 35. |
| <i>Servants</i> , 35. | <i>Tobacco</i> , 91. |
| <i>Sheriffs</i> , 25. | <i>Treſpaſſes</i> , 1. |
| <i>Head-Money</i> . | <i>Waſts</i> , 1. |
| <i>Revenue</i> , 2, 5, 11, 12. | <i>Hoſtages</i> . |
| <i>Hedges</i> . | <i>Indians</i> , 1, 2, 3, 5. |
| <i>Lands</i> , 57. | <i>Hoſtebreaking</i> . |
| <i>Rivers</i> , 2, 3, 4. | <i>Clergy</i> , 3. |
| <i>Heir at Law</i> . | <i>Duties</i> , 19, 35, 67. |
| <i>Executions</i> , 20. | <i>Hoſteburning</i> , 2. |
| <i>Executors & Adminiſtrators</i> , | <i>Hoſteburning</i> . 102 |
| 5, 6. | <i>Tobacco</i> , 92, 116. |
| <i>Inteſtates Eſtates</i> , 1. | <i>Tobacco-plants</i> , 1. |
| <i>Lands</i> , 22, 35, 41, 42. | <i>Hoſe of Correction</i> . |
| <i>Probats</i> , 2, 24. | <i>Tanners</i> , 11. |
| <i>Slaves</i> , 1, 9, 41, 49. | <i>Hoſe-Keepers</i> . |
| <i>Hemp</i> . | <i>Births</i> , 5. |
| <i>Tar and Hemp</i> , 1, 4, 5, 6, 8. | <i>Grain</i> , 1. |
| <i>Linens Cloth</i> , 1. | <i>Highways</i> , 7. |

The T A B L E.

Levies, 13, 21.
Sailors, 9.
Servants, 32.
Slaves, 17, 24.
Tanners, 9.
Tithables, 4, 5.
Tobacco, 30, 38, 41.
Trespases, 3.
 Hunting.
 Hog stealing, 9.
 Indians, 13, 14, 15, 31, 35.
 Lands, 38.
 Husbands.
 Lands, 5, 22, 24.
 Marriages, 5.
 Probats, 7, 21.
 Slaves, 10, 37, 47.
 Tobacco, 88.
 Huttings.
 Judicial Proceedings, 78.
 Williamsburg, 30, to End.
 James City.
 Burgesses, 1, 21.
 County-courts, 4.
 Criminals, 8.
 General-court, 40, 45.
 Tobacco, 58, 127.
 James River.
 Ferries, 1, 25.
 Jeofails.
 County-courts, 16.
 Judicial Proceedings, 70.
 Penal Laws, 3, 4.
 Jews.
 Servants, 11.
 Imbezzling.
 Invasions, 17.
 Importation.
 Barrels, 6.
 Duties, 5, 21, 38, 53, 64, 74.
 Revenue, 2.
 Servants, 1, 5.
 Slaves, 2.
 Tobacco, 2, 34, 35.
 Impressing.
 Burgesses, 22.

Criminals, 2, 5.
Ferries, 5.
Invasions, 2, 3, 4, 9, 11, 12.
Militia, 10.
Sheriffs, 31.
 Imprisonment.
 Acts of Assembly, 1.
 Attornies, 4.
 False-News, 1.
 Gaming, 7.
 General-court, 30.
 Houseburning, 4.
 Indians, 10.
 Invasions, 17.
 Lands, 38.
 Levies, 15.
 Limitation, &c. 1.
 Marriages, 1, 3.
 Militia, 12, 13, 20.
 Pardon, 11, 12.
 Quarentine, 2.
 Religion, 1.
 Servants, 15, 19.
 Weights, 3.
 Improvements.
 Lands, 46, 57.
 Rolling-houses, 4.
 Seating.
 Tobacco, 91.
 Incest.
 Religion, 16.
 Inclosures.
 Horses, 2.
 Tobacco-plants, 1.
 Trespases, 1, 3.
 Indentures.
 Servants, 1, 3, 60.
 Sheriffs, 24.
 Indians.
 Clergy, 3, 4.
 Criminals, 13.
 Deer, 1.
 General-court, 31.
 Hogstealing, 1, 8.
 Magazine, 3.
 Militia, 3, 4, 5.

The T A B L E.

| | |
|---|---|
| <i>Servants</i> , 11, 34. | <i>Highways</i> , 1, 3, 5, 7, 9. |
| <i>Slaves</i> , 1, 12, 13, 19, 22, 23,
24, 26, 30, 31, 32, 51. | <i>Hogstealing</i> , 1, 8, 9. |
| <i>Tithables</i> , 1. | <i>Horses</i> , 1, 2, 4. |
| <i>Wolves</i> , 7. | <i>Indians</i> , 14, 18, 27. |
| Indorfers. | <i>Iron-Works</i> , 5, 6, 17. |
| <i>Bills of Exchange</i> , 3, 5. | <i>Lands</i> , 31, 34. |
| Induction. | <i>Levies</i> , 13, 17. |
| <i>Ministers</i> , 1. | <i>Marriages</i> , 1, 3, 4, 6, 7, 10. |
| Infants. | <i>Mills</i> , 10. |
| <i>Burgesses</i> , 4, 19. | <i>Murder</i> , 2. |
| <i>Executions</i> , 20. | <i>Ordinaries</i> , 1, 3, 5, 6, 8, 9, 10,
11, 15. |
| <i>Executors & Administrators</i> ,
5, 10. | <i>Prisons</i> , 1. |
| <i>Lands</i> , 11, 13, 22, 24, 36, 40. | <i>Public Claims</i> , 2. |
| <i>Limitation, &c.</i> 5. | <i>Quarentine</i> , 2, 4. |
| <i>Marriages</i> , 4. | <i>Revenue</i> , 3, 12. |
| <i>Mills</i> , 4, 13. | <i>Rivers</i> , 2 to 6. |
| <i>Probats</i> , 3. | <i>Sailors</i> , 9, 15. |
| <i>Rolling-houses</i> , 2. | <i>Servants</i> , 20, 21, 32, 40, 43, 56. |
| <i>Servants</i> , 60. | <i>Slaves</i> , 17, 19, 21, 23, 33. |
| <i>Slaves</i> , 38, 48, 49. | <i>Surveyors</i> , 7. |
| <i>Tobacco</i> , 88. | <i>Tanners</i> , 11. |
| <i>Wolves</i> , 4, 7. | <i>Tar and Hemp</i> , 6. |
| Infection. | <i>Tithables</i> , 4. |
| <i>Quarentine</i> . | <i>Tobacco</i> , 2, 4, 16, 18, 23, 24,
25, 26, 29, 30, 31, 34, 38,
40, 43, 46, 55, 66, 78, 79,
82, 95, 96, 113, 130, 134,
141, 142, 145, 146, 150,
157, 162. |
| Infidels. | <i>Transportation, &c.</i> 8, 9, 10. |
| <i>Servants</i> , 11. | <i>Usury</i> , 1, 2, 6. |
| Informer. | <i>Waifs</i> , 1. |
| <i>Acts of Assembly</i> , 1. | <i>Weights</i> , 2, 4. |
| <i>Attornies</i> , 15. | <i>Wolves</i> , 8. |
| <i>Baptism</i> , 1. | Inquiry of Damages. |
| <i>Barrels</i> , 2 to 8. | <i>Attornies</i> , 9, 11. |
| <i>Births, &c.</i> 4 to 9. | <i>Judicial Proceedings</i> , 21. |
| <i>Burgesses</i> , 2, 3, 5, 11, 16, 17, 34. | Insolvents. |
| <i>County-courts</i> , 2, 6. | <i>Executors & Administrators</i> ,
3, 13. |
| <i>Customs</i> , 7, 9, 10. | <i>Intestates Estates</i> , 11. |
| <i>Debtors</i> , 3. | <i>Poor Prisoners</i> . |
| <i>Deer</i> , 1. | Inspectors. |
| <i>Duties</i> , 2, 6, 7, 8, 10, 12, 15,
20, 22, 24, 27, 29, 32, 37,
38, 41, 45, 55, 58, 61, 68. | <i>Tobacco</i> , 44, 50 to 55, 57, 67
to 86, 88, 90, 99 to 118,
130 |
| <i>Fees</i> , 10. | |
| <i>Ferries</i> , 7. | |
| <i>Gaming</i> , 3, 6. | |
| <i>General-court</i> , 2, 9. | |

The TABLE.

| | |
|---|---|
| 130 to 140, 146, 149 to 158. | Issues. |
| Inspectors Notes. | <i>Judicial Proceedings</i> , 22, 23. |
| Surveyors, 25. | <i>Limitation, &c.</i> 3. |
| Tobacco, 52, 58, 59, 62, 64, 86, 102, 113, 116, 125, 128, 130, 131, 132, 152. | Judge of the Court of Vice Admiralty. |
| Insurrections. | <i>Militia</i> , 2. |
| <i>Invasions, &c.</i> | <i>Sailors</i> , 20. |
| Intails. | Judges. |
| <i>Lands</i> , 6, 67. | <i>Pardon</i> , 12. |
| <i>Slaves</i> , 36, 43 to 47. | <i>Judicial Proceedings</i> . 112 |
| Interest. | <i>Attornies</i> , 4 to 15. |
| <i>Attornies</i> , 12. | <i>Pardon</i> , 9. |
| <i>Bills of Exchange</i> , 1 to 6. | <i>Transportation, &c.</i> 12. |
| <i>Executions</i> , 41. | Judgments. |
| <i>Rents</i> , 12. | <i>Attornies</i> , 5, 9, 11. |
| <i>Usury</i> . | <i>Bills of Exchange</i> , 3, 5. |
| Intestates Estates. 111 | <i>Gaming</i> , 1. |
| <i>Executors & Administrators</i> . | <i>Judicial Proceedings</i> , 1, 11, 20, 21. |
| <i>Probats</i> . | <i>Rents</i> , 13. |
| <i>Slaves</i> , 9, 41. | <i>Sherifs</i> , 23, 25. |
| Invasions and Insurrections. 114. | <i>Slaves</i> , 42. |
| <i>Iron-Works</i> , 14. | Juries. 135 |
| <i>Militia</i> , 3, 13 14. | <i>Criminals</i> , 8, 9, 11, 12. |
| <i>Slaves</i> , 11. | <i>General-court</i> , 44. |
| Inventory. | <i>Indians</i> , 32. |
| <i>Probats</i> , 16, 20. | <i>Judicial Proceedings</i> , 78. |
| Joint Actions. | <i>Lands</i> , 1, 34, 67. |
| <i>Bills of Exchange</i> , 5. | <i>Prisons</i> , 15. |
| <i>County-courts</i> , 13. | Justice of the Peace. |
| <i>General-court</i> , 25. | <i>Attornies</i> , 1, 2, 3. |
| Joint Tenants. | <i>Births</i> , 7. |
| <i>Executors & Administrators</i> , 9. | <i>County-courts</i> , 2, 6, 7, 9, 17. |
| <i>Lands</i> , 71. | <i>Criminals</i> , 2. |
| <i>Burgesses</i> , 4, 5. | <i>Deer</i> , 1, 2. |
| Jointures. | <i>Disturbers, &c.</i> 1, 2. |
| <i>Intestates Estates</i> , 8. | <i>Duties</i> , 19, 23, 35, 37, 53, 59, 60, 67, 70, 72. |
| Iron-Works. 119 | <i>Executions</i> , 31, 33. |
| <i>Lands</i> , 46. | <i>False-News</i> , 1. |
| <i>Militia</i> , 3. | <i>General-court</i> , 34. |
| Isle of Wight. | <i>Highways</i> , 1, 3, 4, 5, 7, 9. |
| <i>Burgesses</i> , 21. | <i>Hogstealing</i> , 7, 9. |
| <i>County-courts</i> , 4. | <i>Horses, &c.</i> 2, 4. |
| <i>General-court</i> , 40. | <i>Indians</i> , 22, 27. |
| <i>Tobacco</i> . 58, 127. | <i>Invasions</i> , 14. |

The T A B L E.

| | |
|---|---|
| <i>Iron-Works</i> , 12. | <i>Tobacco</i> , 46, 156. |
| <i>Judicial Proceedings</i> , 40, 68, 69, 73. | Justices (two) |
| <i>Lands</i> , 31, 32, 34. | <i>Gaming</i> , 7. |
| <i>Law Books</i> , 2. | <i>Lands</i> , 68. |
| <i>Levies</i> , 5, 13, 15, 17, 22. | <i>Tobacco</i> , 11, 95. |
| <i>Linen Cloth</i> , 3. | Justices two, (<i>Quorum unus.</i>) |
| <i>Marriages</i> , 11. | <i>County-courts</i> , 18. |
| <i>Militia</i> , 2. | <i>Criminals</i> , 2. |
| <i>Mills</i> , 8, 10. | <i>Judicial Proceedings</i> , 1. |
| <i>Money</i> , 4, 9. | <i>Ordinaries</i> , 5. |
| <i>Ordinaries</i> , 8, 12. | <i>Sailors</i> , 14. |
| <i>Prisons</i> , 1. | <i>Servants</i> , 37. |
| <i>Public Claims</i> , 1, 2. | <i>Trespases</i> , 4. |
| <i>Quarentine</i> , 1. | Justices (three.) |
| <i>Religion</i> , 2, 4, 6. | <i>Tobacco</i> , 83, 85. |
| <i>Rents</i> , 17. | Justices three, (two of the <i>Quorum.</i>) |
| <i>Rivers</i> , 2, 3, 5. | <i>Tobacco</i> , 139, |
| <i>Rolling-houses</i> , 5. | Justices (four.) |
| <i>Sailors</i> , 1, 2, 4, 12, 13, 17, 18, 19. | <i>County-courts</i> , 1. |
| <i>Servants</i> , 3, 7, 8, 23, 24, 25, 26, 32, 34, 42, 49. | <i>Executions</i> , 35. |
| <i>Sheriffs</i> , 3, 15, 16, 19, 25. | Justices of Oyer and Terminer. |
| <i>Slaves</i> , 17, 19 to 25, 33. | <i>Oyer and Terminer.</i> |
| <i>Surveyors</i> , 21. | Keepers. |
| <i>Tar and Hemp</i> , 2, 8. | <i>Militia</i> , 3. |
| <i>Tithables</i> , 3, 4. | Keeper of the Magazine. |
| <i>Tobacco</i> , 1, 15, 17, 18, 39, 41, 46, 57, 83, 95, 111, 113, 134, 138, 141, 142, 145, 146, 150, 159. | <i>Magazine</i> , 2. |
| <i>Tobacco-plants</i> , 1. | Keeper of the Public Goal. |
| <i>Transportation, &c.</i> 12. | <i>Criminals</i> , 2, 5, 6. |
| <i>Trespases</i> , 3, 6, 7. | <i>Prisons</i> , 7, 14, 15. |
| <i>Vagabonds</i> , 1. | <i>Servants</i> , 24, 25, 44, 46, 47, 53. |
| <i>Burgesses</i> , 8. | <i>Sheriffs</i> , 26. |
| <i>Waifs, &c.</i> 1, 2. | Keepers of Rolling-houses. |
| <i>Weights, &c.</i> 3, 4. | <i>Rolling-houses</i> , 7, 11. |
| <i>Wolves</i> , 3, 4, 7, 9. | Killing Slaves. |
| Justice, (first in Commission.) | <i>Servants</i> , 34, 37, 38. |
| <i>County-courts</i> , 14. | <i>Slaves</i> , 25, 28, 29. |
| <i>Marriages</i> , 4. | King. |
| <i>Ordinaries</i> , 3. | <i>Judicial Proceedings</i> , 4, 5. |
| <i>Slaves</i> , 14. | King George County. |
| Justice of Quorum. | <i>Burgesses</i> , 30. |
| <i>General-court</i> , 28. | <i>County-courts</i> , 4. |
| | <i>Tobacco</i> , 58. |
| | King and Queen County. |
| | <i>Burgesses</i> , 21. |

The T A B L E.

County-courts, 4.
Ferries, 33.
General-court, 40.
Tobacco, 58.
 King William County.
 Burgesses, 21.
 County-courts, 4.
 General-court, 40.
 Tobacco, 58, 127.
 Lancaster.
 Burgesses, 21.
 County-courts, 4.
 Ferries, 33.
 General court, 40.
 Tobacco, 58, 127.
 Landings.
 Highways, 8.
 Iron-works, 1.
 Rivers, 6.
 Rolling-houses, 1, 2.
 Surveyors, 10.
 Landlord.
 Rents.
 Lands. 137
 Attornies, 5.
 County-courts, 12.
 Fees, 17.
 General-court, 24.
 Hog-stealing, 9.
 Indians, 13, 14, 17, 18, 19, 22.
 Intestates Estates, 7.
 Judicial Proceedings, 29, 65.
 Juries, 10.
 Limitation, &c. 3.
 Mills, 1, 3.
 Naturalization, 3, 5.
 Orphans, 1.
 Probats, 2.
 Rivers, 6.
 Rolling-houses.
 Tobacco, 88.
 Town Lands.
 Lapsed Lands.
 Lands, 20, 21, 22, 41, 49, 54,
 62, 63.
 Orphans. 1.

Law-books. 155
 Lead-works.
 Militia, 3.
 Lands, 46.
 Leases.
 Indians, 17, 18.
 Rents, 8, 9, 10.
 Tobacco, 19.
 Leather.
 Tanners.
 Legacies & Legatees.
 Executors & Administrat. 2.
 Probats, 13.
 Religion, 1.
 Lessee & Lessor.
 Rents.
 Levies. 156
 Criminals, 1.
 Duties, 17, 34, 50, 63.
 Executions, 38.
 Fees, 3.
 Ferries, 5, 8.
 Iron-works, 3, 6, 8, 15, 16.
 Law-books, 1.
 Linen Cloth, 1, 2.
 Ministers, 5, 10, 9, 12, 14.
 Servants, 45.
 Sherifs, 31, 32, 33.
 Surveyors, 7.
 Tobacco, 41, 58, 61, 62, 64,
 90, 103, 125, 126, 128, 129,
 138, 139.
 Vestries, 1.
 Wolves, 1, 2.
 Levitical Degrees.
 Religion, 15.
 Licences.
 Attornies, 15.
 Ferries, 3, 5, 16, 20, 24, 26,
 28.
 Indians, 10, 22, 23, 30, 31.
 Marriages, 1, 4, 7.
 Ordinaries, 3, 15.
 Quarentine.
 Servants, 56.
 Slaves, 18, 24, 26.
 Lz
 Trans-

The TABLE.

| | |
|---|--|
| <i>Transportation, &c.</i> 1, 2, 4. | Major. |
| Lies. | <i>Ferries</i> , 10. |
| <i>False News</i> , 1. | <i>Invasions</i> , 3, 6. |
| Lieutenant. | <i>Militia</i> , 17, 24. |
| <i>Invasions</i> , 6. | Man of War. |
| <i>Militia</i> , 9. | <i>Sailors</i> , 5, 6, 16. |
| Lieutenant-Colonel. | Mansion-house. |
| <i>Ferries</i> , 10. | <i>Intestates Estates</i> , 7, 8. |
| <i>Invasions</i> , 3, 6. | <i>Probats</i> , 1. |
| <i>Militia</i> , 17, 24. | Manlaughter. |
| Limitation of Actions. 162 | <i>Clergy</i> , 3. |
| <i>Bills of Exchange</i> , 6. | <i>Slaves</i> , 28. |
| <i>Book Debts</i> , 1, 3, 4. | Manumission. |
| <i>Customs</i> , 7. | <i>Servants</i> , 6. |
| <i>Duties</i> , 73. | Mariners. |
| <i>Fees</i> , 11. | <i>Sailors</i> . |
| <i>Highways</i> , 6. | Markets. |
| <i>Lands</i> , 10, to 15, 23, 24, 70. | <i>Williamsburg</i> , 18. |
| <i>Levies</i> , 18. | Marking. |
| <i>Religion</i> , 2, 5, 6. | <i>Tobacco</i> , 1. 112. |
| <i>Revenue</i> , 4. | Marthes. |
| <i>Rivers</i> , 1, 3. | <i>Lands</i> , 23, 24, 45. |
| <i>Servants</i> , 5, 7. | Marriages. 165 |
| <i>Tobacco</i> , 142. | <i>Lands</i> , 65. |
| <i>Tobacco-plants</i> , 2. | <i>Religion</i> , 15. |
| <i>Transportation, &c.</i> 3, 7, 9. | <i>Servants</i> , 11, 19, 20. |
| Linen Cloth. 164 | Maryland. |
| Liquors. | <i>Servants</i> , 50, 51. |
| <i>Duties</i> , 5, to 38, 53, 62, 64, | <i>Tobacco</i> , 66, 142, 143, 144. |
| to 70. | Masters of the College. |
| Liturgy. | <i>Militia</i> , 3. |
| <i>Indians</i> , 3. | Masters of Servants and Slaves. |
| <i>Ministers</i> , 2. | <i>Owners of Servants</i> . |
| Livery & Seisin. | <i>Owners of Slaves</i> . |
| <i>Lands</i> , 7, 9. | Masters of Vessels. |
| Look outs. | <i>Customs</i> , 1, 2, 9, 10. |
| <i>Invasions</i> , 5, 6. | <i>Duties</i> , 8, 20, 24, 37, 55, 56, |
| Magazine. 164 | 59, 72. |
| Mahometans. | <i>Embargoes</i> , 1, 2. |
| <i>Servants</i> , 11. | <i>Levies</i> , 18. |
| Maidens. | <i>Ordinaries</i> , 12. |
| <i>Marriages</i> , 5. | <i>Quarentine</i> , 2, 3, 6. |
| Maiming. | <i>Revenue</i> , 3, 4, 12, 15, 16. |
| <i>Indians</i> , 22. | <i>Sailors</i> , 1, 3, 5, 12, to 20. |
| <i>Sailors</i> , 19. | <i>Servants</i> , 54. |
| Mainprize. | <i>Tobacco</i> . |
| <i>Bail</i> . | |

The T A B L E.

| | |
|---|---------------------------------|
| <i>Tobacco</i> , 23, 24, 26, 45, 55,
56, 72, 94, 95, 96, 115, 140. | <i>Slaves</i> , 24. |
| <i>Transportation</i> , &c. 1, 2, 3. | <i>Williamsburg</i> , 33. |
| Mates of Vessels. | Militia Officers. |
| <i>Customs</i> , 1. | <i>Militia</i> . |
| <i>Revenue</i> , 3. | Millers. |
| <i>Sailors</i> , 1, 13, 14. | <i>Militia</i> , 3. 5. |
| <i>Tobacco</i> , 24, 26, 45, 96. | <i>Mills</i> , 8, 10, 11. |
| Matrimony. | Mill-Dams. |
| <i>Marriages</i> . | <i>Mills</i> , 13. |
| Matapony. | <i>Mills</i> . |
| <i>Ferries</i> , 15. | <i>High-ways</i> , 1. |
| Mayors. | <i>Lands</i> , 57. |
| <i>Executions</i> , 21. | <i>Slaves</i> , 18. |
| <i>Sherifs</i> , 25. | Mines. |
| <i>Williamsburg</i> , 30, to the End. | <i>Lands</i> , 46. |
| Meal. | <i>Militia</i> , 3. |
| <i>Grain</i> , 3. | <i>Ministers</i> . |
| Measures. | <i>Births</i> , 4, 5, 6, 8. |
| <i>Weights</i> , &c. | <i>Burgesses</i> , 2. |
| Medicines. | <i>Debtors</i> , 1. |
| <i>Physicians</i> , 3. | <i>Marriages</i> . |
| Menace. | <i>Militia</i> , 3. |
| <i>Limitation</i> , &c. 1. | <i>Murder</i> , 2. |
| Merchants. | <i>Religion</i> , 9, 10, 15. |
| <i>Book-Debts</i> , 3. | <i>Servants</i> , 20. |
| <i>Debtors</i> , 4. | <i>Slaves</i> , 33. |
| <i>Duties</i> , 45. | <i>Tithables</i> , 6. |
| <i>Limitation</i> , &c. 1. | Misdemeanors. |
| <i>Ordinaries</i> , 16. 18. | <i>House-burning</i> , 4. |
| <i>Slaves</i> , 2. | Mile. |
| <i>Tobacco</i> , 3. 56. | <i>Lands</i> , 71. |
| Mesne Process. | Misprision. |
| <i>Sherifs</i> , 25. | <i>Furies</i> , 10. |
| Middlesex. | <i>Money</i> . |
| <i>Burgesses</i> , 21. | <i>Duties</i> , 14, 31, 46, 69. |
| <i>County Courts</i> , 4. | Moors. |
| <i>General Court</i> , 40. | <i>Servants</i> , 4, 11. |
| <i>Tobacco</i> , 58. | Mort d'ancestor. |
| <i>Militia</i> . | <i>Lands</i> , 12. |
| <i>Ferries</i> , 5, 8, 10. | 169 Mortgages. |
| <i>Indians</i> , 1, 2, 9, 24. | <i>Gaming</i> , 1, 2. |
| <i>Invasions</i> , &c. | <i>Lands</i> , 64. |
| <i>Iron-Works</i> , 14. | <i>Sherifs</i> , 32. |
| <i>Prisons</i> , 15. | Mothers. |
| <i>Sherifs</i> , 6. | <i>Intestates Estates</i> , 1. |
| | <i>Parents</i> . |

The T A B L E.

| | | | |
|---------------------------------------|-----|--|--|
| <i>Probats</i> , 7. | | <i>Slaves</i> . | |
| <i>Slaves</i> , 41. | | New-Kent. | |
| Mulattoes. | | <i>Burgesses</i> , 21. | |
| <i>Clergy</i> , 3, 4. | | <i>County-courts</i> , 4. | |
| <i>General Court</i> , 31. | | <i>General-court</i> , 40. | |
| <i>Hog-stealing</i> , 1. | | <i>Tobacco</i> , 58, 127. | |
| <i>Militia</i> , 3, 4, 5. | | News-Tellers. | |
| <i>Servants</i> , 11, 18, 19, 20, 34. | | <i>False News</i> , 1. | |
| <i>Slaves</i> . | | Non compos mentis. | |
| <i>Tithables</i> , 1. | | <i>Lands</i> , 11, 13, 24, 36. | |
| <i>Wolves</i> , 7. | | <i>Limitation</i> , &c. 5. | |
| Murder. | 182 | <i>Mills</i> , 4. | |
| <i>Births</i> , 2. | | <i>Probats</i> , 11. | |
| <i>Criminals</i> , 13. | | Non est inventus. | |
| <i>Indians</i> , 1, 6, 7, 8, 22. | | <i>General-court</i> , 13. | |
| <i>Slaves</i> , 11, 28. | | <i>Judicial Proceedings</i> , 15. | |
| Musters. | | <i>Sherifs</i> , 11. | |
| <i>Militia</i> . | | Non-Residents. | |
| Mute. | | <i>Attorneys</i> , 3. | |
| <i>Clergy</i> , 1. | | <i>Duties</i> , 41. | |
| <i>House-burning</i> , 1, 2, 3. | | <i>Judicial Proceedings</i> , 73. | |
| Nansemond. | | <i>Lands</i> , 11, 13, 14, 22, 36, 63. | |
| <i>Burgesses</i> , 21. | | <i>Limitation</i> , &c. 5. | |
| <i>County-courts</i> , 4. | | <i>Mills</i> , 14. | |
| <i>General-courts</i> , 40. | | <i>Probats</i> , 3. | |
| <i>Tobacco</i> , 58. | | <i>Rolling-houses</i> , 2. | |
| Naturalization. | 183 | <i>Tobacco</i> , 88. | |
| Naval Officer. | | Nonfuit. | |
| <i>Customs</i> , 4, to 9. | | <i>Attornies</i> , 6, 14. | |
| <i>Duties</i> , 55, 56, 59. | | <i>County-courts</i> , 11. | |
| <i>Embargoes</i> , 1, 2. | | <i>Duties</i> , 35, 67. | |
| <i>Grain</i> , 4. | | <i>Fees</i> , 16. | |
| <i>Sailors</i> , 1, 3, 6, 7. | | <i>General-court</i> , 5, 22. | |
| <i>Tar and Hemp</i> , 2. | | <i>Judicial Proceedings</i> , 20, 21, | |
| <i>Tobacco</i> , 23, 26, 45, 72, 73. | | 81. | |
| Neglect. | | <i>Limitation</i> , &c. 3. | |
| <i>Attornies</i> , 19. | | <i>Physicians</i> , 3. | |
| <i>Sherifs</i> , 23. | | <i>Tobacco</i> , 66, 145. | |
| Negroes. | | Nonsummons. | |
| <i>Clergy</i> , 3, 4. | | <i>Lands</i> , 71. | |
| <i>General-court</i> , 31. | | Nontenure. | |
| <i>Hog-stealing</i> , 1. | | <i>Lands</i> , 71. | |
| <i>Militia</i> , 3, 4, 5. | | Norfolk. | |
| <i>Servants</i> , 11, 18, 19, 20, 34. | | <i>Burgesses</i> 21. | |
| <i>Tithables</i> , 1. | | <i>County-courts</i> , 4. | |
| <i>Wolves</i> , 7. | | <i>General-court</i> , 40. | |

Tobacco.

The T A B L E.

| | |
|---|---------------------------------------|
| <i>Tobacco</i> , 58, 127. | <i>Horses</i> , 2. |
| <i>Williamsburg</i> , 35. | <i>Indians</i> , 14. |
| Northampton. | <i>Lands</i> , 38, 58, 59. |
| <i>Burgesſes</i> , 21, 22, 28. | <i>Militia</i> , 24. |
| <i>County-courts</i> , 4. | <i>Probats</i> , 2, 12, 17. |
| <i>General-court</i> , 40. | <i>Public Claims</i> , 3. |
| <i>Invaſions</i> , 5. | <i>Quarentine</i> , 2, 6. |
| <i>Tobacco</i> , 58, 127. | <i>Religion</i> , 4, 7. |
| <i>Witnesses</i> , 2. | <i>Revenue</i> , 3, 17. |
| North-Carolina. | <i>Sailors</i> , 4. |
| <i>Duties</i> , 44, 58. | <i>Servants</i> , 34, 54, 55. |
| <i>Servants</i> , 50, 51. | <i>Sherifs</i> , 4, 20, 25. |
| <i>Tobacco</i> , 2, 34, 35, 36, 142, | <i>Slaves</i> , 12, 28. |
| 143, 144. | <i>Surveyors</i> , 1, 4, 9. |
| Northern-Neck. | <i>Tanners</i> , 5. |
| <i>Lands</i> , 74. | <i>Tar and Hemp</i> , 2, to the End. |
| <i>Levies</i> , 22. | <i>Tobacco</i> , 1, 4, 9, 11, 15, 16, |
| Northumberland. | 20, 23, 39, 45, 72, 74, 76, 83, |
| <i>Burgesſes</i> , 21. | 89, 113, 145, 156, 158, 159. |
| <i>County-courts</i> , 4. | <i>Transportation</i> , &c. 12. |
| <i>Ferries</i> , 33. | <i>Treſpaſſes</i> , 7. |
| <i>General-court</i> , 40. | <i>Vestries</i> , 3. |
| <i>Tobacco</i> , 58, 127. | <i>Burgesſes</i> , 6. |
| Notes of Hand. | <i>Weights</i> , 3. |
| <i>Bills of Exchange</i> , 6, 8. | <i>Wolves</i> , 4, 7, 8. |
| <i>Gaming</i> , 1. | Obligations. |
| <i>Inspectors Notes</i> . | <i>Ordinaries</i> , 11. |
| <i>Surveyors</i> , 18, 19. | <i>Sherifs</i> , 8, 9. |
| Notice of Trial. | <i>Surveyors</i> , 18. |
| <i>Judicial Proceedings</i> , 21, 22, | Officers & Offices. |
| 23, 51, 55, 58. | <i>Burgesſes</i> , 33. |
| Nottoway. | <i>Militia</i> , |
| <i>Ferries</i> , 25. | <i>Religion</i> , 1. |
| Oaths. | <i>Sherifs</i> , 27. |
| <i>Attornies</i> , 16, 17. | Officers of Customs. |
| <i>Book-Debts</i> , 1. | <i>Duties</i> , 22. |
| <i>Burgesſes</i> , 7, 10, 11. | <i>Grain</i> , 4. |
| <i>County-courts</i> , 2, 3, 6. | <i>Quarentine</i> , 4, 6. |
| <i>Customs</i> , 2, 4. | <i>Revenue</i> , 4, 13, 14. |
| <i>Deer</i> , 1. | <i>Servants</i> , 54. |
| <i>Duties</i> , 8, 20, 22, 23, 24, 30, | <i>Tobacco</i> , 142. |
| 34, 37, 43, 44, 49, 53, 55, | Officers of Quarentine. |
| 56, 59, 60, 64, 70, 72. | <i>Quarentine</i> . |
| <i>Executions</i> , 33. | Officers of Ships. |
| <i>Gaming</i> , 4, 6. | <i>Revenue</i> 3. |
| <i>General-court</i> , 2, 3, 9, 10, 11. | <i>Sailors</i> , 1, 13, 14. |
| | <i>Tobacco</i> , |

The T A B L E.

| | | | |
|--|-----|--|-----|
| <i>Tobacco</i> , 24, 26, 96. | | <i>Williamsburg</i> , 31. | |
| Oistering. | | Owners of Slaves. | |
| <i>Indians</i> , 22. | | <i>Births</i> , 4, 5. | |
| Onus probandi. | | <i>Deer</i> , 2. | |
| <i>Burgesses</i> , 6. | | <i>Highways</i> , 3. | |
| <i>Duties</i> , 65. | | <i>Hog stealing</i> , 3, 5. | |
| <i>Surveyors</i> , 19. | | <i>Mills</i> , 10, 11. | |
| Orange County. | | <i>Slaves</i> . | |
| <i>Ferries</i> , 33. | | <i>Tobacco</i> , 15. | |
| <i>Surveyors</i> , 22. | | Oyer and Terminer. | |
| <i>Tobacco</i> , 126. | | <i>Criminals</i> , 8, to 15. | |
| Ordinaries, | 184 | <i>Slaves</i> , 2, 13, 14, 16. | |
| <i>Ferries</i> , 5, 6. | | Pamunkey. | |
| <i>Sailors</i> , 9. | | <i>Ferries</i> , 15, 19. | |
| <i>Williamsburg</i> , 31. | | Papists. | |
| Ordinary-keepers. | | <i>Recusant convict.</i> | |
| <i>Ordinaries.</i> | | Pardon. | 188 |
| Orphans. | 188 | <i>Indians</i> , 34, 35. | |
| <i>Executors & Administrators,</i> | | Parents. | |
| 6, 10, to 15. | | <i>Births, &c.</i> 1. 4. | |
| <i>Intestates Estates</i> , 10, to 13. | | <i>Executors & Administrators,</i> | |
| <i>Levies</i> , 19. | | 10. | |
| Overseers. | | <i>Levies</i> , 19. | |
| <i>Births</i> , 4, 5. | | <i>Marriages</i> , 4, 5. | |
| <i>Deer</i> , 2. | | Parish. | |
| <i>Horses</i> , 4. | | <i>Baptism</i> , 1. | |
| <i>Iron-works</i> , 5, 6. | | <i>Births, &c.</i> 1, 7, 8. | |
| <i>Lands</i> , 58, 59. | | <i>Churches</i> , 1. | |
| <i>Militia</i> , 3, 5. | | <i>Disturbers, &c.</i> 1, 2. | |
| <i>Servants</i> , 32, 35. | | <i>Gaming</i> , 3. | |
| <i>Slaves</i> , 17, 18, 22. | | <i>Levies</i> , 17, to 22. | |
| <i>Tithables</i> , 4, 5. | | <i>Mills</i> , 14. | |
| <i>Tobacco</i> , 7, 31, 38, 41, 71, 136. | | <i>Quarentine</i> , 2. | |
| Outcry. | | <i>Religion</i> , 8, 17. | |
| <i>Auction.</i> | | <i>Servants</i> , 12, 18, 19, 25, 35, | |
| Outlawry. | | 40. | |
| <i>County-courts</i> , 6. | | <i>Slaves</i> , 26. | |
| <i>Judicial Proceedings</i> , 15. | | <i>Weights, &c.</i> 3. | |
| <i>Servants</i> , 37. | | Partition. | |
| Owners of Servants. | | <i>Slaves</i> , 8, 48. | |
| <i>Deer</i> , 2. | | Passengers. | |
| <i>Highways</i> , 3. | | <i>Quarentine</i> , 2. | |
| <i>Hog stealing</i> , 2. | | <i>Revenue</i> , 2, 3, 11. | |
| <i>Mills</i> , 10, 11. | | Passes. | |
| <i>Ordinaries</i> , 12. | | <i>Indians</i> , 30, 31, 35. | |
| <i>Tobacco</i> , 15, 46. | | <i>Servants</i> , 56. | |

The T A B L E.

Transportation, &c. 1, 2, 4.

Pasturage.

Lands, 56.

Patents.

Lands, 15, to 26, 40.

Patowmack.

Ferries, 15, 25, 27.

Patrolling.

Invasions, 15.

Pauper.

Attornies, 2.

Payment.

Attornies, 13.

Peace.

Breach of the Peace.

Pease.

Grain, 3, 4.

Peerheads.

Mills, 13.

Penal Laws.

County-courts, 15.

General-court, 6.

Juries, 10.

Servants, 17.

Tobacco, 24.

Perjury.

Burgesses, 11.

Duties, 55, 56.

Gaming, 6.

Tar and Hemp, 6.

Tobacco, 113.

Burgesses, 42.

Wolves, 8.

Personal Actions.

Attornies, 5.

Persons out of the Country.

Non-residents.

Petitions.

Lands, 20.

Servants, 7, 8, 10, 13.

Petitions for small Debts.

Attornies, 14.

Fees, 16.

Judicial Proceedings, 71, 78, to 83.

Ordinaries, 17.

190

Transportation, &c. 12, 13.

Physicians.

204

Pillory.

Criminals, 14.

Hogstealing, 1.

Prisons, 1.

Servants, 21, 56.

Slaves, 13.

Pioneers.

Militia, 4.

Pirates.

County-courts, 9.

General-court, 16.

Pitch.

Barrels, &c.

Plague.

Quarentine.

Pleas and Pleadings.

Attornies, 13.

County-courts, 12.

Judicial Proceedings, 16 to 64, 77.

Lands, 71.

Limitation, &c. 3.

Pleas of the Crown.

County-courts, 12.

Juries, 10.

Poll.

Burgesses, 7, 9, 14, 16.

Poor Prisoners.

Executions, 31 to 40.

Prisons, 9, 10.

Sherifs, 29, 30.

Pork.

Barrels, &c.

Port Duties.

Revenue, 9, 10, 16.

Possession.

Lands, 7, 8, 12, 14, 15, 23, 70.

Pound Breach.

Rents, 2.

Powder.

Arms.

Prerogative.

General-court, 47.

Rents, 11.

Prescription

The T A B L E.

| | | |
|--------------------------------------|-----|---------------------------------------|
| Prescription. | | General-court, 35. |
| <i>Lands</i> , 12. | | Sherifs, 6. |
| President of the College. | | Probats and Administrations. 194. |
| <i>Militia</i> , 3. | | Process. |
| President of the Council. | | <i>Burgeses</i> , 20. |
| <i>Judicial Proceedings</i> , 6. | | <i>County-courts</i> , 8, 9. |
| <i>Probats</i> , 25. | | <i>General-court</i> , 12. |
| Pressing. | | <i>Judicial Proceedings</i> , 7. |
| <i>Impressing</i> . | | Processioning. |
| Prince George County. | | <i>Lands</i> , 28 to 38. |
| <i>Burgeses</i> , 21. | | Proclamations. |
| <i>County-courts</i> , 4. | | <i>Grain</i> , 3. |
| <i>General-court</i> , 40. | | <i>Money</i> , 7, 14. |
| <i>Tobacco</i> , 58, 127. | | <i>Probats</i> , 2, 24. |
| Princess Anne County. | | <i>Quarentine</i> , 1, 6, 7. |
| <i>Burgeses</i> , 21. | | <i>Servants</i> , 37. |
| <i>County-courts</i> , 4. | | <i>Tobacco-plants</i> , 1. |
| <i>General-court</i> , 40. | | Pro confesso. |
| <i>Invasions</i> , 5. | | <i>Judicial Proceedings</i> , 34, 60. |
| <i>Tobacco</i> , 58, 127. | | Professors of the College. |
| Prince William County. | | <i>Militia</i> , 3. |
| <i>Burgeses</i> , 30. | | Promises. |
| <i>County-courts</i> , 4. | | <i>Contracts</i> . |
| <i>Ferries</i> , 33. | | Promisory Notes. |
| <i>Tobacco</i> , 58, 126. | | <i>Notes of Hand</i> . |
| Principal. | | Property. |
| <i>Accessories</i> . | | <i>Duties</i> , 36. |
| <i>Interest</i> . | | <i>Executions</i> , 21. |
| Prises. | | <i>Hogstealing</i> , 7. |
| <i>Tobacco</i> , 107, 121, 150. | | <i>Horses</i> , 1, 2. |
| Prison Bounds. | | <i>Servants</i> , 12. |
| <i>Executions</i> , 30. | | <i>Tobacco</i> , 1. |
| <i>Prisons</i> , 2. | | <i>Waists</i> , 2. |
| Prisoners. | | Propositions. |
| <i>Executions</i> , 31 to 40. | | <i>Burgeses</i> , 23. |
| <i>Judicial Proceedings</i> , 12. | | Proprietors of Land. |
| <i>Lands</i> , 11, 13, 36. | | <i>Lands</i> , 58, 59, 63. |
| <i>Limitation</i> , &c. 5, | | <i>Mills</i> , 10, 14. |
| <i>Mills</i> , 4. | | <i>Rolling-houses</i> , 2, 3. |
| <i>Prisons</i> , 2, 9, 10, 11. | | <i>Tobacco</i> , 88, 90, 91, 123. |
| <i>Probats</i> , 3. | | Protests. |
| <i>Sherifs</i> , 23, 24, 25, 26, 29. | | <i>Bills of Exchange</i> , 1 to 6. |
| Prisons. | 191 | Public Claims. |
| <i>Sherifs</i> , 27, 31. | | <i>Burgeses</i> , 23. |
| Priviledged Persons. | | <i>Servants</i> , 39. |
| <i>Burgeses</i> , 20. | | Public Warehouses. |
| | | <i>Warehouses</i> |

The T A B L E.

| | | | |
|---|-----|--|---------|
| <i>Warehouses.</i> | | <i>Militia, 3, 13, 14.</i> | |
| Puckoon. | | Rebels. | |
| <i>Indians, 22.</i> | | <i>Indians, 8.</i> | |
| Purchasers. | | Receivers. | |
| <i>Lands, 65, 67, 72.</i> | | <i>Executors & Administrat. 9.</i> | |
| <i>Naturalization, 3, 5.</i> | | Receiver-General. | |
| Purfsers of Vessels. | | <i>Ferries, 11.</i> | |
| <i>Duties, 8, 24.</i> | | <i>Quit-Rents, 1.</i> | |
| Quakers. | | Receivers of Stolen Goods. | |
| <i>General-court, 31.</i> | | <i>House-burning, 4.</i> | |
| <i>Burgesses, 41.</i> | | Recorder. | |
| <i>Wolves, 4, 7, 8.</i> | | <i>Williamsburg, 29, to the End.</i> | |
| Quarentine. | 205 | Records. | |
| Quarreling. | | <i>Lands, 3, 4, 15, 64, 65.</i> | |
| <i>Gaming, 9.</i> | | Recovery. | |
| Quarries. | | <i>Lands, 67.</i> | |
| <i>Lands, 46.</i> | | Recufant convict. | |
| Quarter-Master. | | <i>Burgesses, 4.</i> | |
| <i>Invasions, 6.</i> | | <i>Executors, & Administrat. 10.</i> | |
| Queen. | | <i>General-court, 31.</i> | |
| <i>Judicial Proceedings, 4, 5.</i> | | Register. | |
| Quit-Rents. | 207 | <i>Births, &c. 6.</i> | |
| <i>Lands, 19, 20, 22, 25, 40, 41, 51.</i> | | <i>Lands, 29, 34, 66.</i> | |
| <i>Sherifs, 32, 33.</i> | | Religion. | 207 |
| <i>Tobacco, 58 to 64, 103, 125,</i> | | <i>Levies, 19.</i> | |
| <i>126, 128.</i> | | <i>Ministers, 1 to 5.</i> | |
| Rappahanock. | | Remainder. | |
| <i>Ferries, 1, 19, 23, 25, 27.</i> | | <i>Lands, 67.</i> | |
| Ravishment of Ward. | | <i>Slaves, 36, 43, 44, 45.</i> | |
| <i>Executors & Administrat. 10.</i> | | Rents. | 212 |
| Readers. | 207 | <i>Executions, 41.</i> | |
| <i>Births, &c. 4, 5, 6, 8.</i> | | <i>Limitations, 1.</i> | |
| <i>Burgesses, 2.</i> | | <i>Tobacco, 19, 88, 90, 98, 107,</i> | |
| <i>Debtors, 1.</i> | | <i>118, 120, 121, 122.</i> | |
| <i>Marriages.</i> | | Replevin. | |
| <i>Ministers, 2, 3, 6.</i> | | <i>Judicial Proceedings, 77.</i> | |
| <i>Murder, 2.</i> | | <i>Limitation, &c. 1.</i> | |
| <i>Religion, 9.</i> | | <i>Rents, 1.</i> | |
| <i>Servants, 37, 40, 43.</i> | | Rescous. | |
| <i>Slaves, 33.</i> | | <i>Rents, 2.</i> | |
| Real Actions. | | Residents. | |
| <i>Lands, 12, 70, 71.</i> | | <i>Tobacco, 3.</i> | |
| Real Estates. | | Residuary Legatees. | |
| <i>Slaves, 1.</i> | | <i>Probats, 21.</i> | |
| Rebellion. | | Return of Writs. | |
| <i>Iron-works, 14.</i> | | <i>Burgesses, 13, 16.</i> | |
| <i>Judicial Proceedings, 5.</i> | | A a a | County- |

The T A B L E.

| | | |
|-------------------------------|---------------------------------|-------------|
| County-courts, 9, 17. | Rolling-houses. | 220 |
| Executions, 11, to 18, 26. | Highways, 8. | |
| Fees, 13. | Rules. | |
| General-court, 18. | Judicial Proceedings, 16 to 64. | |
| Judicial Proceedings, 7. | Rum. | |
| Lands, 71. | Duties, 5, 21, 64. | |
| Penal Laws, 4. | Indians, 27. | |
| Sherifs, 5, 25. | Ordinaries, 15, 17. | |
| Revenue. | 215 Runaways. | |
| Ferries, 11. | Sailors, 1, 3, 5, 6, 8, 16. | |
| Law Books 1. | Servants, 21 to 28, 30, 33, 38, | |
| Money, 6, 13. | 42 to 54, 57. | |
| Sailors, 7. | Slaves, 27. | |
| Reversion. | Rushes. | |
| Lands, 67. | Indians, 22. | |
| Slaves, 10, 44, 45. | Sabbath-breaking. | |
| Rewards. | Ordinaries, 5. | |
| Sailors, 1, 3, 16. | Religion, 4. | |
| Servants, 23, 26, 27, 49, 50. | Sherifs, 6. | |
| Tar and Hemp, 1, 4, 8. | Sacrament. | |
| Tobacco, 55. | Ministers, 4. | |
| Waifs, 1. | Saddlers. | |
| Wolves, 1, 7. | Tanners, 11. | |
| Richmond. | Salaries. | |
| Burgesses, 21. | Burgesses, 21, 27, 28. | |
| County-courts, 4. | County-courts, 18. | |
| General court, 40. | General-court, 36. | |
| Tobacco 59. | Judicial Proceedings, 64. | |
| Right. | Ministers, 5. | |
| Lands, 12, 70. | Revenue, 4, 14. | |
| Riots. | Tanners, 3, 8. | |
| County-courts, 9. | Tobacco, 53, 68, 76, 105, 110, | |
| General-court, 16. | 124, 130, 131, 133. | |
| Sherifs, 7. | Treasurer, 3, 11, 13. | |
| Rivers and Creeks. | 219 Sales. | |
| Customs, 9, 10. | Bargains and Sales. | |
| Ferries, 8, 9. | Sailors. | 223 |
| Highways, 9. | Customs, 4. | |
| Indians, 20. | Debtors, 4. | |
| Iron-Works, 2. | Levies, 18. | |
| Lands, 38. | Ordinaries, 5, 11, 12. | |
| Roads. | Quarentine, 2, 6. | |
| Highways. | Revenue, 2, 3, 11. | |
| Robbery. | Tobacco, 24, 25, 26, 96. | |
| Houseburning, 2. | Scire facias. | |
| Rogues. | Attornies, 9, 11, 13. | |
| Vagabonds. | Duties, 77. | Executions, |

The T A B L E.

Executions, 25, 37.
Judicial Proceedings, 2.
Treasurer, 16.
 Searchers.
 Duties, 19, 35.
 Tanners, 3, 5, 8.
 Tobacco, 26, 95, 145.
 Seating.
 Lands, 1, 17 to 23, 40, 41, 45 to 51, 53, 54, 56, 58, 60 to 64.
 Secretary.
 Burgesses, 2.
 Deputies to the Secretary.
 Fees, 1, 2, 3, 5, 11, 14, 15.
 Ferries, 10.
 General-court, 26.
 Lands, 16.
 Militia, 2.
 Probats, 28.
 Rents, 14.
 Tobacco, 58, 59, 62, 64, 103.
 Transportation, &c. 1, 4, 6, 8, 9, 10.
 Seconds.
 Tobacco, 6, 29, 38, 158.
 Securities.
 Attornies 11.
 Debtors, 2.
 Executions, 41.
 Executors & Administrat. 2.
 Gaming, 1, 2.
 Horses, 3.
 Intestates Estates, 6, 9, 11, 13.
 Judicial Proceedings, 73.
 Levies, 20, 21.
 Marriages, 9.
 Militia, 5.
 Ordinaries 10, 11.
 Probats, 13, 15, 21.
 Religion, 4, 6, 7, 15, 16.
 Rents, 12, 13, 17.
 Sailors, 9, 12, 14.
 Servants, 16, 21, 33.
 Sherifs, 4, 20.
 Surveyors, 18, 19.
 Transportation, &c. 7.
 Treasurer, 12.

Seditious.
 Acts of Assembly, 1.
 Seizure.
 Duties, 22, 60, 64.
 Grain, 4.
 Militia, 10.
 Quarentine, 4.
 Servants, 35.
 Tanners, 5, 11.
 Tobacco, 35, 46, 66, 95, 144, 145.
 Transportation, &c. 12.
 Seller of Slaves.
 Duties, 41, 72.
 Serjeant.
 Invasions, 6.
 Militia, 15.
 Servants. 227
 Births, &c. 3.
 Deer, 2.
 Executors & Administrat. 7.
 Hogstealing, 1, 2.
 Horses, 4.
 Indians, 13.
 Marriages, 6.
 Mills, 10, 11.
 Ordinaries, 5, 12.
 Probats, 18.
 Religion, 7.
 Revenue, 2, 11.
 Slaves, 31.
 Tithables, 2.
 Tobacco, 46.
 Transportation, &c. 2.
 Trespases, 8.
 Williamsburg, 31.
 Settlement in a Parish.
 Levies, 16.
 Settlements.
 Lands, 64, 65.
 Several Tenancy.
 Lands, 71.
 Sheep.
 Lands, 45, 46.
 Rolling-houses, 5.
 Trespases, 1.
 Sherifs.

The TABLE.

| | |
|---|--|
| <i>Attornies</i> , 1, 3. | <i>Probats</i> , 7. |
| <i>Burgesses</i> , 2, 7 to 18, 22, 23, 31, 32. | <i>Skins</i> . |
| <i>County-courts</i> , 9, 10. | <i>Duties</i> , 1, 2, 59, 60. |
| <i>Criminals</i> , 2, 4, 6, 8, 9. | <i>Tanners</i> . |
| <i>Disturbers</i> , &c. 1. | <i>Skipppers</i> . |
| <i>Duties</i> , 60. | <i>Tobacco</i> , 46, 48. |
| <i>Executions</i> , 11, 21 to 36, 38, 41. | <i>Slander</i> . 248 |
| <i>Fees</i> , 1, 5, 6, 11, to 16. | <i>Limitation</i> , &c. 1, 4. |
| <i>Ferries</i> , 10. | <i>Pardon</i> , 11, 12. |
| <i>General-court</i> , 13, 14, 19, 20, 21, 44. | <i>Slaves</i> . 248 |
| <i>Grain</i> , 1. | <i>Clergy</i> , 4. |
| <i>Intestates Estates</i> , 9. | <i>Deer</i> , 2. |
| <i>Judicial Proceedings</i> , 7, to 14, 68. | <i>Duties</i> , 38 to 51, 70, to End. |
| <i>Juries</i> , 4, to 11. | <i>Executors & Administrat.</i> 7. |
| <i>Lands</i> , 20, 25, 34, 41, 67. | <i>Indians</i> , 13, 30. |
| <i>Levies</i> , 2, to 14, 17, 23. | <i>Invasions</i> , 15. |
| <i>Marriages</i> , 7. | <i>Lands</i> 65. |
| <i>Militia</i> , 10, 20. | <i>Mills</i> , 10, 11. |
| <i>Prisons</i> , 1, 7. | <i>Probats</i> , 18. |
| <i>Probats</i> , 2. | <i>Religion</i> , 7. |
| <i>Public Claims</i> , 1, 2, 7. | <i>Revenue</i> , 2, 11. |
| <i>Quitrents</i> , 1. | <i>Servants</i> , 4, 5, 6, 15, 23 to 28, 32, 34, 35, 37, 42 to 55. |
| <i>Religion</i> , 4. | <i>Tobacco</i> , 46. |
| <i>Rents</i> , 1, 4, 5, 12, 13, 14, 17. | <i>Transportation</i> , &c. 1. |
| <i>Sailors</i> , 19. | <i>Smiths</i> . |
| <i>Servants</i> , 8, 26, to 30, 37, 40, 43, 44, 49, 50. | <i>Invasions</i> , 3, 9. |
| <i>Slaves</i> , 12, 21, 33. | <i>Soldiers</i> . |
| <i>Tar and Hemp</i> , 4. | <i>Horseman</i> . |
| <i>Tobacco</i> , 21, 33, 35, 58, to 65, 88, 95, 103, 128. | <i>Foot Soldier</i> . |
| <i>Transportation</i> , &c. 12. | <i>Sollicitor</i> . |
| <i>Burgesses</i> , 41, 43. | <i>Usury</i> , 2. |
| <i>Shoemakers</i> . | <i>Speaker of the House of Burgesses</i> . |
| <i>Tanners</i> , 4, 11. | <i>Burgesses</i> , 27. |
| <i>Shot</i> . | <i>Militia</i> , 2. |
| <i>Arms</i> . | <i>Special Bail</i> . |
| <i>Ships</i> . | <i>County-courts</i> , 15, 20. |
| <i>Vessels</i> . | <i>General-court</i> , 20. |
| <i>Silver</i> . | <i>Judicial Proceedings</i> , 10, 76. |
| <i>Money</i> . | <i>Sheriffs</i> , 25. |
| <i>Sisters</i> . | <i>Tobacco</i> , 24. |
| <i>Intestates Estates</i> , 1, 2. | <i>Special Verdict</i> . |
| | <i>Verdicts</i> . |
| | <i>Specific Legacies</i> . |
| | <i>Executors & Administrat.</i> 2. |
| | <i>Spirits</i> . |

The T A B L E.

| | |
|-----------------------------------|--------------------------------------|
| Spirits. | <i>Waists, &c.</i> 1, 2. |
| <i>Duties,</i> 5, 21, 64. | Students of the College. |
| <i>Ordinaries,</i> 15, 17. | <i>Militia,</i> 3. |
| Spotsylvania. | Subornation to Perjury. |
| <i>Burgesses,</i> 30. | <i>Burgesses,</i> 11. |
| <i>County-courts,</i> 4. | <i>Burgesses,</i> 42. |
| <i>Tobacco,</i> 58, 127. | Substance. |
| Squirrels. | <i>Form and Substance.</i> |
| <i>Levies,</i> 22. | Sunday. |
| Stafford. | <i>Sabbath-breaking.</i> |
| <i>Burgesses,</i> 21. | <i>Sherifs,</i> 6, 28. |
| <i>County-courts,</i> 4. | Sunken Grounds. |
| <i>Ferries,</i> 32. | <i>Lands,</i> 23, 24, 25. |
| <i>General-court,</i> 40. | Supercargoe. |
| <i>Tobacco,</i> 58, 127. | <i>Tobacco</i> 56. |
| Stalks. | Superfedeas. |
| <i>Tobacco,</i> 30. | <i>Attornies,</i> 18. |
| Standard. | <i>General-court,</i> 41. |
| <i>Weights, &c.</i> 3. | <i>Judicial Proceedings,</i> 29. |
| Statutes. | Surgeons. |
| <i>Executions,</i> 32. | <i>Physicians,</i> 1. |
| <i>Judicial Proceedings,</i> 70. | <i>Slaves,</i> 29. |
| Stealing. | Surplus. |
| <i>Servants,</i> 21. | <i>Lands,</i> 17, 25, 26. |
| Steward. | Surrey. |
| <i>Lands,</i> 58, 59. | <i>Burgesses,</i> 21. |
| Stillyards. | <i>County-courts,</i> 4. |
| <i>Weights, &c.</i> 6. | <i>General-court,</i> 40. |
| Stocks. | <i>Tobacco,</i> 58, 127. |
| <i>Prisons,</i> 1. | Surthenors. 259 |
| Stolen Goods. | <i>Fees,</i> 1, 9, 11 to 16, 19. |
| <i>Houseburning,</i> 4. | <i>Lands,</i> 34, 43. |
| Stone-horses. | <i>Rents,</i> 14. |
| <i>Horses.</i> | <i>Tobacco,</i> 58, 59, 62, 64, 103. |
| Storage. | Surveyors of Highways. |
| <i>Entertainment, &c.</i> 1. | <i>Highways,</i> 1, 5, 6. |
| <i>Rolling-houses,</i> 6, 10, 12. | <i>Iron-works,</i> 10. |
| Store-books. | Surveys. |
| <i>Book-Debts.</i> | <i>Lands,</i> 1, 17, 25, 27, 43. |
| Store-houses. | Suspension. |
| <i>Houseburning,</i> 1, 2. | <i>Attornies,</i> 18. |
| <i>Rolling-houses.</i> | Swamps. |
| <i>Warehouses.</i> | <i>Lands,</i> 23, 24, 25. |
| Strangers. | Swearing. |
| <i>Entertainment, &c.</i> 1. | <i>Religion,</i> 4. |
| Strays. | Tables. |
| | <i>Gaming,</i> |

The T A B L E.

| | | | |
|--|-----|---|------|
| <i>Gaming</i> , 1. | | <i>Tobacco</i> . | 269 |
| <i>Tails</i> . | | <i>Duties</i> , 55, 56. | |
| <i>Intails</i> . | | <i>Executions</i> , 40, 41. | |
| <i>Taker-up</i> . | | <i>Iron-works</i> , 5, 6. | |
| <i>Horses</i> , 1, 2, 3. | | <i>Revenue</i> , 1, 6, 7, 16. | |
| <i>Indians</i> , 33. | | <i>Tobacco-Hogsheds</i> . | |
| <i>Sailors</i> , 2, 3, 16. | | <i>Levies</i> , 5. | |
| <i>Servants</i> , 23. | | <i>Ministers</i> , 8. | |
| <i>Trespases</i> , 6. | | <i>Tobacco</i> , 14, 10 22, 52, 53, 60, | |
| <i>Tanners</i> . | 263 | 69, 114. | |
| <i>Tar and Hemp</i> . | 265 | <i>Tobacco-houses</i> . | |
| <i>Treasurer</i> , 7, 8. | | <i>House-burning</i> , 1. | |
| <i>Tare</i> . | | <i>Tobacco-plants</i> , 1. | |
| <i>Tobacco</i> , 15, 18, 51. | | <i>Tobacco-Plants</i> . | 312 |
| <i>Tenants</i> . | | <i>Toll</i> . | |
| <i>Executions</i> , 40, 41. | | <i>Mills</i> . | |
| <i>Joint Tenants</i> . | | <i>Town-Lands</i> . | 313 |
| <i>Rents</i> . | | <i>Burgesses</i> , 39. | |
| <i>Tenants in Common</i> . | | <i>Trade</i> . | |
| <i>Executors & Administrat.</i> 9. | | <i>Indians</i> , 26, 27, 28. | |
| <i>Burgesses</i> , 39, 40. | | <i>Magazine</i> , 3. | |
| <i>Tender</i> . | | <i>Tobacco</i> , 80. | |
| <i>Levies</i> , 12. | | <i>Tradesmen</i> . | |
| <i>Limitation</i> , &c. 3. | | <i>Servants</i> , 58, 59, 60. | |
| <i>Money</i> , 4, 9. | | <i>Transportation of Debtors</i> 314 | |
| <i>Tobacco</i> , 11, 12, 13, 65, 86. | | <i>Debtors</i> , 4. | |
| <i>Tennis</i> . | | <i>Indians</i> , 30, 33. | |
| <i>Gaming</i> , 1. | | <i>Rents</i> , 17. | |
| <i>Testaments</i> . | | <i>Servants</i> , 54, 55, 56. | |
| <i>Wills</i> . | | <i>Treason</i> . | |
| <i>Testator</i> . | | <i>Burgesses</i> , 20. | |
| <i>Executors and Administrators</i> | | <i>County-courts</i> , 9. | |
| <i>Probats</i> . | | <i>Criminals</i> , 8, 9. | |
| <i>Theft</i> . | | <i>Executions</i> , 31. | |
| <i>Servants</i> , 21. | | <i>General-court</i> , 16. | |
| <i>Timber</i> . | | <i>Judicial Proceedings</i> , 5. | |
| <i>Iron-works</i> , 11, 12, 13. | | <i>Juries</i> , 8, 10. | |
| <i>Time</i> . | | <i>Money</i> , 5, 12. | |
| <i>General-court</i> , 18. | | <i>Sheriffs</i> , 7, 26, 31. | |
| <i>Tippling</i> . | | <i>Tobacco-plants</i> , 1. | |
| <i>Ordinaries</i> , 5, 10, 11, 15, 16. | | <i>Treasurer</i> . | 317. |
| <i>Tithables</i> . | 267 | <i>Burgesses</i> , 27, 29. | |
| <i>Highways</i> , 3. | | <i>Duties</i> , 17, 18, 34, 49, 66, 72, | |
| <i>Iron-works</i> , 3, 4, 6, 15. | | 73, 75, 78. | |
| <i>Levies</i> , 13, 22. | | <i>Tar and Hemp</i> , 3, 5. | |
| <i>Slaves</i> , 30. | | <i>Tobacco</i> , 67, 76, 77. | |
| | | <i>Treble</i> | |

The T A B L E.

Treble Damages.

Rents, 2.
Revenue, 3.
Tobacco, 46.

Trees.

Lands, 57.
Rivers, 5.
High-ways, 1.
Trespases, 5, 6, 7.

Trespases.

323

Attornies, 4, 5.
Executors, & Administrat. 10.
Indians, 21, 22.
Limitation, &c. 1, 3.
Rents, 3.
Servants, 35.

Trial.

Notice of Trial.

Triers.

Tanners, 5, 6, 7.

Trover.

Judicial Proceedings, 81.
Limitation, &c. 1.
Slaves, 7.

Trusts.

Lands, 65.

Tuckahoe.

Indians, 22.

Tunnage.

Revenue, 2, 5, 6, 9, 10, 16.

Turks.

Servants, 4.

Vagabonds.

324

Levies, 14, 15.

Vagrants.

Vagabonds.

Valuation.

Appraisement.

Venditioni exponas.

Executions, 26, 27.

Venire facias.

Criminals, 8, 9.

Ventre sa mere.

Executors, & Administrat. 10.

Verdicts.

Judicial Proceedings, 26, 55.
Penal Laws, 4.
Sherifs, 23.

Vessels.

Quarentine,
Revenue, 2, 6, 9, 10, 11, 17.

Westries.

325

Churches, 2.
County-courts, 13.
General-courts, 6, 25.
Iron-works, 8.
Lands, 28, to 33.
Levies, 17.
Ministers, 6, to 15.
Readers, 1.
Religion, 8.
Servants, 18.
Slaves, 26,
Tithables 1.
Tobacco, 60.
Work-houses, 1.

Vice-Admiral.

Sailors, 20.

Vice-Admiralty.

Quarentine, 2.

Viewers.

Tobacco, 11, 13, 83.

Views.

Lands, 71.

Virginia Owners.

325

Customs, 6.

Revenue, 6, 16, 17.

Uncles.

Probats, 7.

Under-Sheriff.

Sherifs.

Unlawful Assemblies.

Slaves, 17, to 21.

Tobacco-plants, 1.

Void.

Attornies, 5.
Burgesses, 19.
County-courts, 9.
Customs, 7.
Gaming, 1, 2.
General Court, 29, 35.
Indians, 17.
Intestates Estates, 3.
Judicial Proceedings, 3, 7.

Lands.

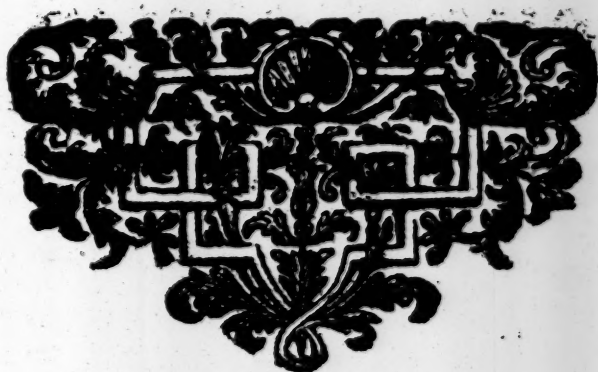
The T A B L E.

| | | | |
|--|-----|--|--|
| <i>Lands</i> , 6, 23, 51, 65. | | Weirs. | |
| <i>Militia</i> 10. | | <i>Highways</i> , 9. | |
| <i>Religion</i> , 1. | | <i>Rivers</i> , 2, 3, 4. | |
| <i>Revenue</i> 4. | | Westmorland. | |
| <i>Sherifs</i> , 6, 8. | | <i>Burgesſes</i> , 21. | |
| <i>Surveyors</i> , 5, 18. | | <i>County courts</i> , 4. | |
| <i>Burgesſes</i> , 37. | | <i>General-court</i> , 40. | |
| <i>Usury</i> , 1, 3. | | <i>Tobacco</i> , 58. | |
| Vouchers. | | Wharfs. | |
| <i>Lands</i> , 71. | | <i>Tobacco</i> , 88, 90, 121, 150. | |
| Usury. | 325 | Wheat. | |
| Wages. | | <i>Grain</i> . | |
| <i>Servants</i> , 10, 58, 59. | | Wheel-Carriages. | |
| Waists and Straps. | 327 | <i>Ferries</i> , 17, 18, 21, 24, 26, 29, 30. | |
| Wards. | | <i>Iron-works</i> , 1. | |
| <i>Guardians</i> . | | Wheelwrights. | |
| Ware-houſes. | | <i>Invaſions</i> , 3, 9. | |
| <i>House-burning</i> , 1, 2. | | Whipping. | |
| <i>Tobacco</i> , 44, 87, 88, 90, 98, 99, | | <i>Deer</i> , 2. | |
| 118, to 124, 149, 150. | | <i>Hogſtealing</i> , 1. | |
| Warrants. | | <i>Levies</i> , 15, 20, 21. | |
| <i>Criminals</i> , 2. | | <i>Mills</i> , 11. | |
| <i>Debtors</i> , 2. | | <i>Ordinaries</i> , 10. | |
| <i>Duties</i> , 19, 35, 60, 67. | | <i>Religion</i> , 4, 6, 7, 16. | |
| <i>Executions</i> , 31, 33, 35. | | <i>Sailors</i> , 9, 12, 13, 14. | |
| <i>Invaſions</i> , 3, 17. | | <i>Servants</i> , 7, 16, 17, 21, 25, | |
| <i>Levies</i> , 17. | | 34, 35, 44, 56. | |
| <i>Militia</i> , 12, 13, 20. | | <i>Slaves</i> , 13, 19, 22, 23. | |
| <i>Ordinaries</i> , 17. | | <i>Tobacco</i> 46. | |
| <i>Religion</i> , 4. | | Whipping-Post. | |
| <i>Sailors</i> , 1, 19. | | <i>Prifons</i> , 1. | |
| <i>Servants</i> , 25, 42. | | Widows. | |
| <i>Sherifs</i> , 25, 28. | | <i>Inteſtates Eſtates</i> , 1, to 9. | |
| <i>Slaves</i> , 20. | | <i>Slaves</i> , 1, 9, 10, 47, 50. | |
| <i>Tobacco</i> , 95, 145. | | Wife. | |
| <i>Waists</i> , 2. | | <i>Burgesſes</i> , 4. | |
| Warwick. | | <i>Lands</i> , 5, 11, 13, 22, 24, 36, | |
| <i>Burgesſes</i> , 21. | | 42, 68, 69. | |
| <i>County-courts</i> , 4. | | <i>Limitation</i> , &c. 5. | |
| <i>General-court</i> , 40. | | <i>Marriages</i> , 5. | |
| <i>Tobacco</i> , 58, 127. | | <i>Mills</i> , 4. | |
| Waſte. | | <i>Probats</i> , 3, 7, 21. | |
| <i>Orphans</i> , 1. | | <i>Servants</i> , 10. | |
| Weights and Measures. | 328 | <i>Slaves</i> , 30, 37. | |
| <i>Mills</i> , 10. | | <i>Tobacco</i> , 88. | |
| <i>Ordinaries</i> , 1. | | Wild Oats. | |
| <i>Tobacco</i> , 138. | | | |

Indians

The T A B L E.

| | |
|--|---|
| <p><i>Indians</i> 22.</p> <p>Williamsburg. 330</p> <p style="padding-left: 20px;"><i>General-court</i> 44.</p> <p style="padding-left: 20px;"><i>Highways</i>, 1.</p> <p style="padding-left: 20px;"><i>Hustings</i>.</p> <p style="padding-left: 20px;"><i>Ordinaries</i>, 13, 19.</p> <p style="padding-left: 20px;"><i>Prisons</i>, 4.</p> <p>Wills.</p> <p style="padding-left: 20px;"><i>Executors & Administ.</i> 4, 10.</p> <p style="padding-left: 20px;"><i>Intestates Estates</i>, 3.</p> <p style="padding-left: 20px;"><i>Probats</i>, 1, 2, 9, 10, 20, 21, 23.</p> <p style="padding-left: 20px;"><i>Slaves</i>, 38, 50.</p> <p>Wine.</p> <p style="padding-left: 20px;"><i>Duties</i>, 5, 9, 21, 25, 64, 76.</p> <p style="padding-left: 20px;"><i>Ordinaries</i>, 15, 17.</p> <p>Witnesses. 338</p> <p style="padding-left: 20px;"><i>Clergy</i> 4.</p> <p style="padding-left: 20px;"><i>County-courts</i>, 18.</p> <p style="padding-left: 20px;"><i>Criminals</i>, 4, 13, 14.</p> <p style="padding-left: 20px;"><i>Deer</i>, 1.</p> <p style="padding-left: 20px;"><i>General-court</i>, 27, to 37.</p> <p style="padding-left: 20px;"><i>Judicial Proceedings</i>, 28, 61, to 68, 72.</p> <p style="padding-left: 20px;"><i>Lands</i>, 38.</p> <p style="padding-left: 20px;"><i>Murder</i>, 1.</p> <p style="padding-left: 20px;"><i>Sailors</i>, 14.</p> | <p style="padding-left: 20px;"><i>Slaves</i>, 12, 13, 14, 28, 50.</p> <p style="padding-left: 20px;"><i>Tobacco</i>, 25, 66, 139, 144.</p> <p style="padding-left: 20px;"><i>Weights, &c.</i> 3.</p> <p>Wolves. 338</p> <p>Women.</p> <p style="padding-left: 20px;"><i>Bastards.</i></p> <p style="padding-left: 20px;"><i>Clergy</i>, 2.</p> <p style="padding-left: 20px;"><i>Marriages</i>, 5.</p> <p style="padding-left: 20px;"><i>Widows.</i></p> <p style="padding-left: 20px;"><i>Wife.</i></p> <p>Wood.</p> <p style="padding-left: 20px;"><i>Iron-works</i>, 11.</p> <p>Work-houses. 340</p> <p>Wounding.</p> <p style="padding-left: 20px;"><i>Indians</i>, 22.</p> <p style="padding-left: 20px;"><i>Limitation, &c.</i> 1.</p> <p style="padding-left: 20px;"><i>Sailors</i>, 19.</p> <p>York.</p> <p style="padding-left: 20px;"><i>Burgesses</i>, 21.</p> <p style="padding-left: 20px;"><i>County-courts</i>, 4.</p> <p style="padding-left: 20px;"><i>Criminals</i>, 8.</p> <p style="padding-left: 20px;"><i>General-court</i>, 45.</p> <p style="padding-left: 20px;"><i>Tobacco</i>, 58.</p> <p>York River.</p> <p style="padding-left: 20px;"><i>Ferries</i>, 1, 19.</p> |
|--|---|



The Second T A B L E.

Containing the several Heads of the foregoing
A B R I D G M E N T; with the several Acts of
 Assembly *Abridged* under each Head; and the
Page answering each Act.

| ACTS of Assembly. | Fol. | Debtors. | Fol. |
|-------------------------------|------|-----------------------------|------|
| 34 <i>Car. 2, cap. 8.</i> | 1 | 13 <i>Car. 2, c. 62.</i> | 33 |
| Attornies. | | 10 <i>Geo. 2, c. 6.</i> | 343 |
| 13 <i>Car. 2, c. 49.</i> | 2 | Deer. | |
| 5 & 6 <i>Geo. 2, c. 13.</i> | 2 | 8 <i>Geo. 2, c. 12.</i> | 34 |
| Baptism. | | Disturbers of Divine Ser- | |
| 14 <i>Car. 2, c. 3.</i> | 6 | vice. | |
| Barrels for Pork, Beef, &c. | | 32 <i>Car. 2, c. 13.</i> | 34 |
| 4 <i>Ann. c. 6.</i> | 6 | Duties. | |
| Bills of Exchange. | | 4 <i>Ann. c. 29.</i> | 35 |
| 3 & 4 <i>Geo. 2, c. 5.</i> | 7 | 12 <i>Geo. 1. c. 1.</i> | 36 |
| Births, Christnings, and Bur. | | 5 & 6 <i>Geo. 2, c. 2.</i> | 39 |
| 13 <i>Car. 2, c. 14.</i> | 8 | 5 & 6 <i>Geo. 2, c. 3.</i> | 42 |
| 12 <i>Ann. c. 4.</i> | 9 | 8 <i>Geo. 2, c. 2.</i> | 45 |
| Book Debts. | | 8 <i>2, c. 3.</i> | 45 |
| 5 & 6 <i>Geo. 2, c. 8.</i> | 10 | 8 <i>Geo. 2, c. 15.</i> | 45 |
| Burgeffes. | | 10 <i>Geo. 2. c. 1.</i> | 320 |
| 4 <i>Ann. c. 2.</i> | 12 | Embargoes. | |
| 3 & 4 <i>Geo. 2, c. 7.</i> | 17 | 4 <i>Ann. c. 47.</i> | 47 |
| 3 & 4 <i>Geo. 2, c. 10.</i> | 18 | Entertainment of Strangers. | |
| 10 <i>Geo. 2, c. 2.</i> | 341 | 15 <i>Car. 2, c. 16.</i> | 48 |
| Churches. | | Executions. | |
| 13 <i>Car. 2, c. 1.</i> | 19 | 12 <i>Geo. 1, c. 3.</i> | 48 |
| 13 <i>Car. 2, c. 15.</i> | 19 | 8 <i>Geo. 2. c. 11.</i> | 58 |
| Clergy. | | Executors, & Administrat. | |
| 5 & 6 <i>Geo. 2, c. 7.</i> | 19 | 3 & 4 <i>Geo. 2, c. 8.</i> | 59 |
| County-courts. | | False News. | |
| 9 <i>Ann. c. 11.</i> | 20 | 13 <i>Car. 2, c. 91.</i> | 62 |
| Criminals. | | Feasts and Fasts. | |
| 18 <i>Car. 2, c. 13.</i> | 27 | 13 <i>Car. 2, c. 10.</i> | 63 |
| 4 <i>Ann. c. 38.</i> | 27 | 13 <i>Car. 2, c. 11.</i> | 63 |
| 8 <i>Geo. 2, c. 7.</i> | 29 | 15 <i>Car. 2, c. 14.</i> | 63 |
| 8 <i>Geo. 2, c. 8.</i> | 30 | Fees. | |
| Customs. | | 10 <i>Geo. 2, c. 8.</i> | 63 |
| 4 <i>Ann. c. 27.</i> | 30 | Ferries. | |

The Second TABLE.

| | | | |
|-----------------------------|-----|-----------------------------|-----|
| 4 <i>Ann. c. 53.</i> | 77 | 4 <i>Ann. c. 28.</i> | 123 |
| 12 <i>Ann. c. 6.</i> | 81 | 1 <i>Geo. 2, c. 3.</i> | 123 |
| 7 <i>Geo. 1, c. 8.</i> | 81 | 5 & 6 <i>Geo. 2, c. 5.</i> | 134 |
| 8 <i>Geo. 1, c. 8.</i> | 82 | 8 <i>Geo. 2, c. 13.</i> | 134 |
| 12 <i>Geo. 1, c. 8.</i> | 82 | Juries. | |
| 5 & 6 <i>Geo. 2, c. 14.</i> | 83 | 4 <i>Ann. c. 32.</i> | 135 |
| 8 <i>Geo. 2, c. 18.</i> | 84 | Lands. | |
| 10 <i>Geo. 2, c. 19.</i> | 344 | 13 <i>Car. 2, c. 70.</i> | 137 |
| Frontiers. | | 9 <i>Ann. c. 13.</i> | 137 |
| 4 <i>Ann. c. 17.</i> | 85 | 11 <i>Ann. c. 4.</i> | 147 |
| Gaming. | | 12 <i>Ann. c. 3.</i> | 148 |
| 1 <i>Geo. 2, c. 8.</i> | 85 | 7 <i>Geo. 1, c. 3.</i> | 150 |
| General-court. | | 8 <i>Geo. 2, c. 6.</i> | 152 |
| 4 <i>Ann. c. 19.</i> | 88 | 8 <i>Geo. 2, c. 25.</i> | 154 |
| 4 <i>Ann. c. 20.</i> | 95 | 10 <i>Geo. 2, c. 13.</i> | 155 |
| 9 <i>Ann. c. 4.</i> | 95 | Law-books. | |
| Grain. | | 18 <i>Car. 2, c. 22.</i> | 155 |
| 13 <i>Car. 2, c. 112.</i> | 96 | 8 <i>Geo. 2, c. 17.</i> | 156 |
| 1 <i>Geo. 2, c. 10.</i> | 96 | Levies. | |
| High-ways, | | 26 <i>Car. 2, c. 4.</i> | 156 |
| 4 <i>Ann. c. 39.</i> | 76 | 4 <i>Ann. c. 9.</i> | 156 |
| Hog-stealing. | | 1 <i>Geo. 2, c. 7.</i> | 158 |
| 4 <i>Ann. c. 14.</i> | 99 | 8 <i>Geo. 2, c. 21.</i> | 161 |
| Horses & Mares. | | Limitation of Actions | |
| 12 <i>Ann. c. 8.</i> | 101 | 4 <i>Ann. c. 35.</i> | 162 |
| House burning. | | Linen Cloth. | |
| 3 & 4 <i>Geo. 2, c. 4.</i> | 102 | 3 & 4 <i>Geo. 2, c. 11.</i> | 164 |
| Indians. | | Magazine. | |
| 15 <i>Car. 2, c. 17.</i> | 104 | 1 <i>Geo. 1, c. 3.</i> | 164 |
| 17 <i>Car. 2, c. 8.</i> | 105 | Marriages. | |
| 32 <i>Car. 2, c. 14.</i> | 106 | 4 <i>Ann. c. 48.</i> | 165 |
| 4 <i>Ann. c. 25.</i> | 106 | Militia. | |
| 4 <i>Ann. c. 52.</i> | 106 | 9 <i>Geo. 1, c. 2.</i> | 169 |
| 8 <i>Geo. 1, cap. 3.</i> | 109 | Mills. | |
| Intestates Estates. | | 4 <i>Ann. c. 41.</i> | 174 |
| 4 <i>Ann. c. 33.</i> | 111 | 1 <i>Geo. 1, c. 2.</i> | 174 |
| Invasions, & Insurrections, | | Ministers. | |
| 1 <i>Geo. 2, c. 5.</i> | 114 | 13 <i>Car. 2, c. 4.</i> | 176 |
| 5 & 6 <i>Geo. 2, c. 4.</i> | 119 | 13 <i>Car. 2, c. 6.</i> | 177 |
| 8 <i>Geo. 2, c. 4.</i> | 119 | 13 <i>Car. 2, c. 7.</i> | 177 |
| Iron-works. | | 13 <i>Car. 2, c. 8.</i> | 177 |
| 1 <i>Geo. 2, c. 12.</i> | 119 | 1 <i>Geo. 2, c. 6.</i> | 177 |
| 3 & 4 <i>Geo. 2, c. 13.</i> | 121 | Money. | |
| Judicial Proceedings. | | 13 <i>Car. 2, c. 116.</i> | 179 |
| 13 <i>Car. 2, c. 61.</i> | 122 | 1 <i>Geo. 1, c. 1.</i> | 180 |
| 29 <i>Car. 2, c. 4.</i> | 123 | 1 <i>Geo. 2, c. 9.</i> | 181 |
| | | Bbb 2 Murder. | |

The Second T A B L E.

| | | | |
|----------------------------|-----|-----------------------------------|-----|
| Murder. | | Sailors. | |
| 9 <i>Ann. c. 12.</i> | 182 | 9 <i>Ann. c. 3.</i> | 223 |
| Naturalization. | | 12 <i>Ann. c. 7.</i> | 224 |
| 32 <i>Car. 2, c. 2.</i> | 183 | 8 <i>Geo. 1, c. 6.</i> | 224 |
| 4 <i>Ann. c. 45.</i> | 183 | Servants. | |
| Ordinaries. | | 4 <i>Ann. c. 49.</i> | 227 |
| 4 <i>Ann. c. 40.</i> | 184 | 12 <i>Geo. 1, c. 4.</i> | 236 |
| 9 <i>Ann. c. 14.</i> | 187 | 10 <i>Geo. 2, c. 4.</i> | 241 |
| 8 <i>Geo. 2, c. 14.</i> | 187 | Sherifs | |
| Orphans. | | 4 <i>Ann. c. 3.</i> | 241 |
| 13 <i>Car. 2, c. 67.</i> | 188 | 7 <i>Geo. 1, c. 4.</i> | 243 |
| Pardon. | | 3 & 4 <i>Geo. 2, c. 14.</i> | 245 |
| 32 <i>Car. 2, c. 1.</i> | 188 | 10 <i>Geo. 2, c. 7.</i> | 245 |
| Penal Laws. | | Slander. | |
| 1 <i>Geo. 2, c. 13.</i> | 190 | 14 <i>Car. 2, c. 5.</i> | 248 |
| Physicians. | | Slaves. | |
| 10 <i>Geo. 2, c. 10.</i> | 204 | 4 <i>Ann. c. 23.</i> | 248 |
| Prisons. | | 9 <i>Geo. 1, c. 4.</i> | 250 |
| 4 <i>Ann. c. 10.</i> | 191 | 1 <i>Geo. 2, c. 11.</i> | 255 |
| 10 <i>Ann. c. 3.</i> | 192 | 5 & 6 <i>Geo. 2, c. 6.</i> | 259 |
| 8 <i>Geo. 1, c. 9.</i> | 193 | Surveyors. | |
| Probats & Administrations. | | 4 <i>Ann. c. 22.</i> | 259 |
| 10 <i>Ann. c. 2.</i> | 194 | 10 <i>Geo. 2, c. 11.</i> | 261 |
| Public Claims. | | Tanners. | |
| 4 <i>Ann. c. 8.</i> | 202 | 3 <i>Will. & Mary, c. 12.</i> | 263 |
| Quarenine. | | Tar and Hemp. | |
| 8 <i>Geo. 1, c. 2.</i> | 205 | 8 <i>Geo. 1, c. 1.</i> | 265 |
| Quit-rents. | | 3 & 4 <i>Geo. 2, c. 16.</i> | 267 |
| 13 <i>Car. 2, c. 52.</i> | 207 | Tithables. | |
| Readers. | | 4 <i>Ann. c. 7.</i> | 267 |
| 13 <i>Car. 2, c. 5.</i> | 207 | Tobacco. | |
| Religion. | | 20 <i>Car. 2, c. 8.</i> | 269 |
| 4 <i>Ann. c. 30.</i> | 207 | 4 <i>Ann. c. 5.</i> | 270 |
| 3 & 4 <i>Geo. 2, c. 2.</i> | 210 | 4 <i>Ann. c. 4.</i> | 270 |
| Rents. | | 9 <i>Ann. c. 8.</i> | 273 |
| 3 & 4 <i>Geo. 2, c. 9.</i> | 212 | 1 <i>Geo. 1, c. 5.</i> | 275 |
| 10 <i>Geo. 2, c. 5.</i> | 214 | 7 <i>Geo. 1, c. 5.</i> | 275 |
| Revenue. | | 12 <i>Geo. 1, c. 6.</i> | 276 |
| 32 <i>Car. 2, c. 3.</i> | 215 | 3 & 4 <i>Geo. 2, c. 1.</i> | 276 |
| 9 <i>Ann. c. 5.</i> | 217 | 3 & 4 <i>Geo. 2, c. 3.</i> | 278 |
| Rivers and Creeks. | | 5 & 6 <i>Geo. 2, c. 1.</i> | 295 |
| 8 <i>Geo. 1, c. 7.</i> | 219 | 5 & 6 <i>Geo. 2, c. 9.</i> | 295 |
| 12 <i>Geo. 1, c. 7.</i> | 219 | 8 <i>Geo. 2, c. 1.</i> | 301 |
| Rolling houses. | | 10 <i>Geo. 2, c. 3.</i> | 309 |
| 11 <i>Ann. c. 5.</i> | 220 | 10 <i>Geo. 2, c. 9.</i> | 311 |
| 7 <i>Geo. 1, c. 7.</i> | 222 | Tobacco-Plants. | |

The Second T A B L E.

| | | | |
|----------------------------|-----|-----------------------------|-----|
| 36 <i>Car. 2, c. 2.</i> | 312 | Usury. | |
| Town Lands. | | 3 & 4 <i>Geo. 2, c. 12.</i> | 325 |
| 4 <i>Ann. c. 44.</i> | 313 | 8 <i>Geo. 2, c. 5.</i> | 326 |
| Transportation of Debtors. | | Waifs and Strays. | |
| 4 <i>Ann. c. 12.</i> | 314 | 4 <i>Ann. c. 13.</i> | 327 |
| Treasurer. | | Weights and Measures. | |
| 9 <i>Geo. 1, c. 8.</i> | 317 | 13 <i>Car. 2, c. 63.</i> | 328 |
| 12 <i>Geo. 1, c. 2.</i> | 318 | 8 <i>Geo. 2, c. 9.</i> | 329 |
| 8 <i>Geo. 2, c. 16.</i> | 318 | Williamsburg. | |
| 10 <i>Geo. 2, c. 1.</i> | 320 | 4 <i>Ann. c. 43.</i> | 330 |
| Trespases. | | 9 <i>Geo. 1, c. 10.</i> | 336 |
| 4 <i>Ann. c. 15.</i> | 323 | 10 <i>Geo. 2, c. 24.</i> | 337 |
| Vagabonds. | | Witnesses. | |
| 24 <i>Car. 2, c. 7.</i> | 324 | 10 <i>Geo. 2, c. 14.</i> | 338 |
| Vestries. | | Wolves. | |
| 13 <i>Car. 2, c. 2.</i> | 325 | 7 <i>Geo. 1, c. 6.</i> | 338 |
| Virginia Owners. | | 5 & 6 <i>Geo. 2, c. 11.</i> | 339 |
| 13 <i>Car. 2, c. 134.</i> | 325 | Workhouses. | |
| 21 <i>Car. 2, c. 5.</i> | 325 | 20 <i>Car. 2, c. 5.</i> | 340 |

The Third T A B L E.

Containing the *Year* and *Chapter* of every Act of Assembly, in Force and Use; which *Year* and *Chapter* being known, and found, in *this Table*, the respective *Title* and *Page* answering thereunto, will direct you to *the Act itself*, as you shall find it expressed in the foregoing *Abridgment*: And where you shall therein find any Chapters omitted, they are either Repealed or Expired, or otherwise Obsolete, and out of Use.

| Chap. | Fol. | Ch. | Fol. |
|--------------------------|------|----------------------------|------|
| 13 <i>Car. 2. (1661)</i> | | 6 <i>Ministers</i> | 176 |
| 1 <i>Hurches</i> | 19 | 7 <i>Ministers</i> | 176 |
| 2 <i>Vestries</i> | 325 | 8 <i>Ministers</i> | 177 |
| 4 <i>Ministers</i> | 176 | 10 <i>Feasts and Fasts</i> | 63 |
| 5 <i>Readers</i> | 207 | 11 <i>Feasts and Fasts</i> | 63 |
| | | <i>Burials</i> | |

The Third T A B L E.

| Chap. | Fol. | Ch. | Fol. |
|-------------------------------|------|---------------------------------|------|
| 14 Burials | 8 | 4 Judicial Proceedings | 123 |
| 15 Churches | 19 | | |
| 49 Attornies | 2 | 32 Car. 2. (1680) | |
| 52 Quit-Rents | 207 | 1 Pardon | 188 |
| 61 Judicial Proceedings | 122 | 2 Naturalization | 183 |
| 62 Debtors | 33 | 3 Revenue | 215 |
| 63 Weights & Measures | 328 | 13 Disturbers of Divine Service | 34 |
| 67 Orphans | 188 | | |
| 70 Lands | 137 | 14 Indians | 106 |
| 91 False-News | 62 | | |
| 112 Grain | 96 | 34 Car. 2. (1682) | |
| 116 Money | 179 | 8 Acts of Assembly | 1 |
| 134 Virginia Owners | 325 | | |
| | | 36 Car. 2. (1684) | |
| 14 Car. 2. (1662) | | 2 Tobacco-plants | 312 |
| 3 Baptism | 6 | | |
| 5 Slander | 248 | 3 Will. & Mary, (1691) | |
| | | 12 Tanners | 263 |
| 15 Car. 2. (1663) | | | |
| 14 Feasts and Fasts | 63 | 4 Ann. (1705) | |
| 16 Entertainment of Strangers | 48 | 2 Burgeses | 12 |
| 17 Indians | 104 | 3 Sherifs | 241 |
| | | 5 Tobacco | 270 |
| 17 Car. 2. (1665) | | 6 Barrels for Pork, &c. | 6 |
| 8 Indians | 105 | 7 Tithables | 267 |
| | | 8 Public Claims | 202 |
| 18 Car. 2. (1666) | | 9 Levies | 156 |
| 13 Criminals | 27 | 10 Prisons | 191 |
| 22 Law Books | 155 | 12 Transportation of Debtors | 314 |
| | | | |
| 20 Car. 2. (1668) | | 13 Waifs & Strays | 327 |
| 5 Work houses | 340 | 14 Hogstealing | 99 |
| 8 Tobacco | 269 | 15 Trespasses | 323 |
| | | 17 Frontiers | 85 |
| 21 Car. 2. (1669) | | 19 General-court | 88 |
| 5 Virginia Owners | 325 | 20 General-court | 95 |
| | | 22 Surveyors | 259 |
| 24 Car. 2. (1672) | | 23 Slaves | 248 |
| 7 Vagabonds | 324 | 25 Indians | 106 |
| | | 27 Customs | 30 |
| 26 Car. 2. (1676) | | 28 Judicial Proceedings | 123 |
| 4 Levies | 156 | 29 Duties | 35 |
| | | 30 Religion | 207 |
| 29 Car. 2. (1676) | | | |

The Third T A B L E.

| Chap. | Fol. | Ch. | Fol. |
|-------|--|-----|--|
| 32 | <i>Furies</i> | 1 | Geo. 1. (1714) |
| 33 | <i>Intestates Estates</i> | 1 | <i>Money</i> |
| 35 | <i>Limitation of Actions</i> | 2 | <i>Mills</i> |
| | | 3 | <i>Magazine</i> |
| 38 | <i>Criminals</i> | 5 | <i>Tobacco</i> |
| 39 | <i>Highways</i> | | |
| 40 | <i>Ordinaries</i> | 7 | Geo. 1. (1720) |
| 41 | <i>Mills</i> | 3 | <i>Lands</i> |
| 43 | <i>Williamsburg</i> | 4 | <i>Sherifs</i> |
| 44 | <i>Town Lands</i> | 5 | <i>Tobacco</i> |
| 45 | <i>Naturalization</i> | 6 | <i>Wolves</i> |
| 46 | <i>Tobacco</i> | 7 | <i>Rolling-houses</i> |
| 47 | <i>Embargoes</i> | 8 | <i>Ferries</i> |
| 48 | <i>Marriages</i> | | |
| 49 | <i>Servants</i> | 8 | Geo. 1. (1722) |
| 52 | <i>Indians</i> | 1 | <i>Tar and Hemp</i> |
| 53 | <i>Ferries</i> | 2 | <i>Quarentine</i> |
| | | 3 | <i>Indians</i> |
| | 9 Ann. (1710) | 6 | <i>Sailors</i> |
| 3 | <i>Sailors</i> | 7 | <i>Rivers & Creeks</i> |
| 4 | <i>General-court</i> | 8 | <i>Ferries</i> |
| 5 | <i>Revenue</i> | 9 | <i>Prisons</i> |
| 8 | <i>Tobacco</i> | | |
| 11 | <i>County-courts</i> | 9 | Geo. 1. (1723) |
| 12 | <i>Murder</i> | 2 | <i>Militia</i> |
| 13 | <i>Lands</i> | 4 | <i>Slaves</i> |
| 14 | <i>Ordinaries</i> | 8 | <i>Treasurer</i> |
| | | 10 | <i>Williamsburg</i> |
| | 10 Ann. (1711) | | |
| 2 | <i>Probats and Admi-
nistrations</i> | 12 | Geo. 1. (1726) |
| 3 | <i>Prisons</i> | 1 | <i>Duties</i> |
| | | 2 | <i>Treasurer</i> |
| | 11 Ann. (1712) | 3 | <i>Executions</i> |
| 4 | <i>Lands</i> | 4 | <i>Servants</i> |
| 5 | <i>Rolling-houses</i> | 6 | <i>Tobacco</i> |
| | | 7 | <i>Rivers & Creeks</i> |
| | 12 Ann. (1713) | 8 | <i>Ferries</i> |
| 3 | <i>Lands</i> | | |
| 4 | <i>Birtbs & Buri-
als.</i> | 1 | Geo. 2. (1727) |
| 6 | <i>Ferries</i> | 3 | <i>Judicial Proceedings</i> |
| 7 | <i>Sailors</i> | 5 | <i>Invasions and Insur-
rections</i> |
| 8 | <i>Horses & Mares</i> | 6 | <i>Ministers</i> |
| | | 7 | <i>Levies</i> |
| | | 8 | <i>Gaming</i> |

The Third T A B L E.

| Chap. | Fol. | Ch. | Fol. |
|--------------------------------|------|--------------------------------|------|
| 8 <i>Gaming</i> | 85 | 8 Geo. 2. (1734) | |
| 9 <i>Money</i> | 181 | 1 <i>Tobacco</i> | 301 |
| 10 <i>Grain</i> | 96 | 2 <i>Duties</i> | 45 |
| 11 <i>Slaves</i> | 255 | 3 <i>Duties</i> | 45 |
| 12 <i>Iron-Works</i> | 119 | 4 <i>Invasions and Insur-</i> | |
| 13 <i>Penal Laws</i> | 190 | <i>rections</i> | 119 |
| <hr/> | | 5 <i>Usury</i> | 326 |
| 3 & 4 Geo. 2. | | 6 <i>Lands</i> | 152 |
| (1730) | | 7 <i>Criminals</i> | 29 |
| 1 <i>Tobacco</i> | 276 | 8 <i>Criminals</i> | 30 |
| 2 <i>Religion</i> | 210 | 9 <i>Weights & Measure</i> | 329 |
| 3 <i>Tobacco</i> | 278 | 11 <i>Executions</i> | 58 |
| 4 <i>Houseburning</i> | 102 | 12 <i>Deer</i> | 34 |
| 5 <i>Bills of Exchange</i> | 7 | 13 <i>Judicial Proceedings</i> | 134 |
| 7 <i>Burgesses</i> | 17 | 14 <i>Ordinaries</i> | 187 |
| 8 <i>Executors & Admi-</i> | | 15 <i>Duties</i> | 45 |
| <i>nistrators</i> | 59 | 16 <i>Treasurer</i> | 318 |
| 9 <i>Rents</i> | 212 | 17 <i>Law Books</i> | 156 |
| 10 <i>Burgesses</i> | 18 | 18 <i>Ferries</i> | 84 |
| 11 <i>Linen Cloth</i> | 164 | 21 <i>Levies</i> | 161 |
| 12 <i>Usury</i> | 325 | 25 <i>Lands</i> | 154 |
| 13 <i>Iron-Works</i> | 121 | <hr/> | |
| 14 <i>Sherifs</i> | 245 | 10 Geo. 2. (1736) | |
| 16 <i>Tar and Hemp</i> | 267 | 1 <i>Treasurer. Duties</i> | 320 |
| <hr/> | | 2 <i>Burgesses</i> | 341 |
| 5 & 6 Geo. 2. | | 3 <i>Tobacco</i> | 309 |
| (1732) | | 4 <i>Servants</i> | 241 |
| 1 <i>Tobacco</i> | 295 | 5 <i>Rents</i> | 214 |
| 2 <i>Duties</i> | 39 | 6 <i>Debtors</i> | 343 |
| 3 <i>Duties</i> | 42 | 7 <i>Sherifs</i> | 245 |
| 4 <i>Invasions and Insur-</i> | | 8 <i>Fees</i> | 63 |
| <i>rections</i> | 119 | 9 <i>Tobacco</i> | 311 |
| 5 <i>Judicial Proceedings</i> | 134 | 10 <i>Physicians</i> | 204 |
| 6 <i>Slaves</i> | 259 | 11 <i>Surveyors</i> | 261 |
| 7 <i>Clergy</i> | 19 | 13 <i>Lands</i> | 155 |
| 8 <i>Book Debts</i> | 10 | 14 <i>Witnesses</i> | 338 |
| 9 <i>Tobacco</i> | 295 | 19 <i>Ferries</i> | 344 |
| 11 <i>Wolves</i> | 339 | 24 <i>Williamsburg</i> | 337 |
| 13 <i>Attornies</i> | 2 | | |
| 14 <i>Ferries</i> | 83 | | |

P R E C E D E N T S,

P R E C E D E N T S,

Adapted to

The several Acts of Assembly, In Force.

1. *Warrant against one, for not Registering Births, &c.*
See Births, Christenings and Burials, Sect. 4, 5, 6.

Stafford, ss. **C**omplaint being this Day made to me, *A. B. Gent.* one of His Majesty's Justices of the Peace for the said County, by *C. D.* as well in Behalf of the Parish of *O.* in the said County, as of himself, That *E. F.* the Parent of a Child, born free (*or the Master, Owner, or Overseer, of a Child, born a Slave*) within the said Parish of *O.* (*or that E. F. the Master [or Mistress] of a Family, wherein one G. H. a free Person; (or the Master, Mistress, or Overseer, of G. H. a Slave, who)*) died within the said Parish of *O.* on or about the Day of last past, did neglect, within Twenty Days after the Birth of the said Child, (*or after the Death of the said G. H.*) to give Notice thereof, in Writing, to the Minister (*or Clerk*) of the said Parish, (*or of the Church, or Chapel*) of *P.* being the Church (*or Chapel*) nearest the Place of such Birth, (*or Death*) in order to have the same register'd; contrary to the Act of General Assembly, in that Case made and provided.

These are therefore, in His Majesty's Name, to will and require you to bring the said *E. F.* before me, or some other of His Majesty's Justices of the Peace for the said County, to answer the Premises. Herein fail not. Given under my Hand at *Stafford* County, the Day of
To *J. K.* Constable.

2. *Judgment upon the above Warrant.*

Upon hearing the within Complaint, it being duly proved before me, That the within-named *E. F.* did neglect, &c. (as the Case is in the Warrant,) whereby he hath incurred the Forfeiture of Two Hundred Pounds of Tobacco; It is therefore
C c c considered,

P R E C E D E N T S.

considered, that the within named *C. D.* and *L. M.* and *N. O.* Gent. Churchwardens of the said Parish of *O.* recover against the said *E. F.* the said Two Hundred Pounds of Tobacco, one Moiety thereof to the proper Use of the said *C. D.* and the other Moiety to the said *L. M.* and *N. O.* for the Use of the said Parish. Given under my Hand, at *Stafford* County, the Day of

3. *Warrant against a Minister or Clerk, for not keeping and returning a Register. See Births, Cristenings, and Burials, Sect. 6.*

Stafford, ss. **T**HAT *E. F.* Minister of the said Parish (or Clerk of the Church or Chapel of *P.* in the said Parish,) neglects to keep a Register of the Births, Christenings, and Burials, within the said Parish, or has neglected to return to the Secretary's Office on the 20th of *April* (or 20th of *October*) last past, a fair Copy of the Register of the Births, Christenings, and Burials, within the said Parish, contrary, &c. as in N^o 1. to the End.

The Judgment on this Warrant as in N^o. 2; and the same Penalty.

4. *Notice of a Birth, or Death, to be given to the Minister, or Clerk. See Births, &c. Sect. 4, 5.*

THIS is to give Notice, pursuant to the Act of General Assembly in that Case made and provided, That *A. M.* the Son, or Daughter, of *B. M.* by *C.* his Wife, was born at *O.* Parish, in the County of *S.* the Day of last past: Or, that a Male or Female Negro, Indian, or Mulatto, belonging to the Subscriber, was born at *O.* Parish, in the County of *S.* the Day of last past: Or, That a Male or Female Negro, Indian, or Mulatto Child, was born of *B.* a Negro, Indian, or Mulatto Slave, belonging to *C. D.* of the County of *E.* Gent. at a Quarter whereof *I* am Overseer, belonging to the said *C. D.* in *O.* Parish, in the County of *S.* the Day of last past: Or, That *A. B.* Merchant, (or the Son, or Daughter, of *C. B.* of *S.* County) by *D.* his Wife; or, a Male, or Female, Negro, Mulatto, or Indian Slave, belonging to *C. D.* of *S.* County, died at the House (or Quarter) of the said *C. D.* in the Parish of *O.* in the said County, the Day of last past. *Sign and date it.*

5. *A Warrant for Summoning a Court for Examination of a Criminal. See Criminals, Sect. 2, and Virginia Justice, p. 110.*

6. *A Warrant to attach one for Felony, &c. Virginia Justice, Pag. 66, 68, 85, 149, 345.*

P R E C E D E N T S.

7. *A Warrant to attach one for Suspicion of Felony, &c. Virginia Justice, Page 46, 68.*
8. *A Warrant to search for Stolen Goods. Virginia Justice. Page 149.*
9. *A Warrant to search for a Felon, and raise Hue and Cry. Virginia Justice, Page 149, 181.*
10. *The Examination of a Felon, &c. before a Justice. Virginia Justice, Page 46, 139.*
11. *The Examination of Witnesses against a Felon, &c. Virginia Justice, Page 139, 181.*
12. *Summons for Witnesses to appear against a Felon, &c. Virginia Justice, Page 67, 137, 150.*
13. *Recognizance for Witnesses Appearance against a Felon. Virginia Justice, Page 47, 109, 151.*
14. *Recognizance of Bail for a Criminal's Appearance. Virginia Justice, Page 48, 112, 151.*
15. *Mittimus of a Criminal to the County Goal. Virginia Justice, Page 48, 65, 86, 109, 150, 182, 346.*
16. *Mittimus to the Public Goal. Virginia Justice, Page 111.*
17. *Warrant to levy the Fine for Misbehaviour at Church. See Disturbers of Divine Service, Sect. 1. Virginia Justice p. 129.*
18. *Warrant against one for killing, buying, or receiving Deer. See Deer. Sect. 1. 2. Virginia Justice, Page 126, 127.*
19. *Warrant to search for Liquors for which the Duty has not been paid. See Duties, Sect. 19, 35, 67. Virginia Justice, Page 119.*
20. *Certificate of Oath made by the Master of a Vessel, to the Quantity of Liquors to be transported from one District to another. See Duties, Sect. 37.*

T H I S is to Certify, That C. D. Master of the Sloop E. of N. this Day came before me A. B. Gent. One of his Majesty's Justices of the Peace for Stafford County, and made Oath,

P R E C E D E N T S

that he took on board his said Sloop the Twenty Hogsheds of Rum, (or Pipes of Wine, &c.) Marks, Numbers, and Contents, as in the Invoice hereunto annexed, in S. P. District in' P. River, and intends to transport them to District, in River; and that he hath not taken nor will take any other Liquors on board his said Vessel, for which any Duty is by Law to be paid, without making a due Entry or Report thereof. Given under my Hand at S. County, the Day of

21. Certificate of Oath made by Importers of Liquors. See Duties, Sect. 53.

THIS is to Certify, That C. D. of Stafford County, Merchant, this Day came before me, A. B. Gent. One of his Majesty's Justices of the Peace for the said County, and made Oath, That he imported the Twenty Hogsheds of Rum, (or Pipes of Wine, &c.) the Marks, Numbers, and Contents of which are contained in the Account hereunto annexed, Signed by C. D. in the Ship H. of L. into P. River, in the Month of last past: And that he duly entered the same with the Collector of the Duties on Liquors in the said District, and paid or secured to be paid the Duties by Law imposed on the said Rum, (or Wine, &c.) Given under, &c.

22. Certificate of Oath, that no Tobacco is contained in any Parcels of Goods, shipped to any of the Plantations. See Duties, Sect. 55.

THIS is to Certify, That N. C. of Stafford County, Merchant, this Day came before me, A. B. Gent. One of His Majesty's Justices of the Peace for the said County, and made Oath, That the Manifest or Bill of Parcels of Merchandize, and their Contents, by him shipped, (or to be shipped) on board the Ship H. of London, now lying in P. River, and bound for the Island of Barbadoes, (or any other of the Plantations) and that there is not any Tobacco contained or packed in or among any of the said Parcels, or that the same also contains a just and true Account of all the Tobacco contained and packed in the said Parcels, or any of them. Given, &c.

23. Certificate of Oaths made on Exportation of Skins or Furrs. See Duties, Sect. 59, as in 22, to a just and true Account of the Parcels, Number, Kinds, and just Weight of the Skins and Furrs by them intended to be shipped on board the Ship H. of L. and that no other Thing is packed or contained in any of the said Parcels. Given, &c.

24 Certificate

P R E C E D E N T S.

24. *Certificate to be obtained by One travelling to purchase
Skins and Furs. See Duties, Sect. 60.*

THIS is to Certify, That *C. D.* is an Inhabitant of the County of *Stafford*, and this Day came before me *A. B.* Gent. One of his Majesty's Justices of the Peace for the said County; and having declared his Intentions to travel to the Frontiers of this Colony, to purchase Skins and Furrs, made Oath before me, that he will not carry or cause or suffer to be carried, by Land or Water, out of this Colony into any other Colony, or Province, any Skins or Furrs whatsoever, without paying or satisfying the Duty settled by Act of Assembly thereon. Given, &c.

25. *A Warrant to re-take a Prisoner escaping out of Execution.*
See *Executions*, Sect. 31. *Virginia Justice*, Page 171.

26. *A Warrant to bring an Insolvent Debtor before the County Court, in order to be discharged. See Executions, Sect. 33. Virginia Justice, Page 190.*

27. *A Warrant to discharge such Prisoner.* See *Executions*,
Sect. 35.

Stafford, ss. *A. B. C. D. E. F. and G. H.* Gent. Four of His Majesty's Justices of the Peace, and Judges of the Court of the said County, To the Sheriff or Keeper of the Goal of the said County, Greeting. We hereby command you, in his Majesty's Name, forthwith to release and set at Liberty *H. L.* a poor Prisoner, now in your Custody, by Virtue of an Execution against him, at the Suit of *L. M.* for the Sum of *(and if more Executions, mention them all.)* the said *H. L.* having complied with the Directions of the Act of Assembly for Relief of Poor Prisoners, if the said *H. L.* is detained in your Custody for no other Cause; and for your so doing, this shall be your sufficient Warrant. Given under our Hands at *Stafford* County Court-house, the _____ Day of _____ 1737.

28. *A Warrant against One for falling a Tree, or making a Fence into the Highway. See High-ways, Sect. 1.*

Stafford, ss. **C** O M P L A I N T being this Day made to me,
A. B. Gent. One of his Majesty's Justices of the
Peace for the said County, by C. D. That E. F. did fall a Tree
into the Highway, at G. within the said County, and did not
cut away the same within 48 Hours, (or did make a Fence into
the Highway at G. within the said County,) contrary to the Act
of General Assembly, in that Case made and provided: These

P R E C E D E N T S.

32. *Warrant against the Surveyor, for not doing his Duty. See Highways, Sect. 5.*

Stafford, J. **C**OMPLAINT, &c. (*as in 28.*) That *E. F.*, Overseer of the Highway from to in the said County, has failed to clear and keep the said Highway in Repair, contrary to the Act, &c.

33. *Judgment on the above Warrant.*

The same as. N^o 29; having regard to the Fine, which is Fifteen Shillings, with Costs.

34. *Warrant against One for not having a Bridle Road to his House, or not keeping it in Repair. See Highways, Sect. 7.*

Stafford, J. **C**OMPLAINT, &c. (*as in 28.*) That *E. F.*, hath not a convenient Passage for Man and Horse, to pass and repass to his Dwelling Plantation, in the said County, (or doth not keep in Repair a convenient Passage, &c.) contrary to the Act, &c.

35. *Judgment on the above Warrant.*

The same as N^o. 29; having regard to the Fine, which is Ten Shillings, with Costs, for not making such Passage; the same for every Six Months it is not made, or being made, continues unrepaired.

36. *Warrant against an Overseer appointed to clear the Rivers and Creeks, or falling a Tree, or setting a Weir therein. See Highways, Sect. 9.*

Stafford, J. **C**OMPLAINT, &c. (*as in 28.*) That *E. F.*, who was appointed, by the Court of the said County for that Purpose, hath failed to clear the Rivers and Creeks within his Precinct; (or did fell a Tree into the said Creek, and failed immediately to clear away the same, or did set a Weir in the said Creek, and failed to pull up the Stakes thereof, as soon as the same became useless,) contrary to the Act, &c.

37. *Judgment on the above Warrant.*

The same as N^o. 29; only the Fine in each of the above Cases is Fifteen Shillings, with Costs.

38. *Certificate*

P R E C E D E N T S.

38. *Certificate about killing unmarked Hogs. See Hogstealing, Sect. 19. Virginia Justice, Page 175.*

39. *Certificate for taking up a Stoned Horse, under the Standard. See Horses and Mares, Sect. 2. Virginia Justice, Page 179.*

40. *Warrant against an Overseer, or Servant, for keeping Horses. See Horses & Mares, Sect. 4.*

Stafford, ff. **W**HEREAS *C. D.* of *Stafford* County, Planter, hath this Day made Information to me *A. B. Gent.* one of His Majesty's Justices of the Peace for the said County, that *E. F.* an Overseer (at a Quarter,) belongiug to *G. H.* in this County, not having any Land in the said County, keeps a Horse, (Mare, Colt, or unspaied Mare,) without the Licence in Writing of the said *G. H.* contrary to the Act, &c.

Or,

That *E. F.* a Servant, belonging to *G. H.* keeps a Horse, &c. as next before.

Or,

That *E. F.* an Overseer, &c. (as above,) keeps more than One Horse, &c. as next before.

These are in His Majesty's Name, to will and require you to bring the said *E. F.* before me, or some other of His Majesty's Justices of the Peace for the said County, to answer the Premisses: As also to take up and secure such Horse, (Mare, Colt, or unspaied Mare, as the Case is,) that the same may be forthcoming on hearing the said Complaint: Herein fail not; as also to make due Return of this Warrant. Given under my Hand, &c.

To *J. K.* Constable.

41. *Judgment on the above Warrant.*

On hearing the within Complaint, it being duly proved before me, That the within named *E. F.* hath no Licence from his Employer (or Master or Mistrefs,) *G. H.* to keep any Horse, Mare, or Colt; and that he the said Overseer hath no Land of his own in this County: It is considered, that the within named *C. D.* recover against the said *E. F.* One Bay Horse, branded, &c. (describing the Horse, &c.) which it appeared that the said *E. F.* had kept as his own Horse, &c. contrary to the Act of General Assembly in that Case made and provided. Given, &c.

Or,

On hearing the within Complaint, it being duly proved before me; that altho' the within named *E. F.* had a Licence from his Employer

P R E C E D E N T S.

ployer, (or Master or Mistrefs,) *G. H.* he the said *E. F.* did keep more than One Horfe, &c. And that the said Overseer hath no Land of his own in the said County, [where it relates to an Overseer, but to be omitted in the Case of a Servant.] It is consider'd, as above to, had and kept as his own Horfe, &c. (over and above One Horfe, or Mare, Colt, &c.) which the said *E. F.* still hath and makes Choice to keep, by Virtue of the said Licence from his said Employer (or Master or Mistrefs,) contrary, &c. as in the Judgment next above.

42. *Licence to a Tributary Indian, to Oyster, Fish, &c. See Indians, Sect. 22.*

Stafford, ff. **I** *A. B.* Gent. one of His Majesty's Justices of the Peace for the said County, do hereby licence *C.* an *Indian*, [mentioning his Nation,] tributary to this Government, to Oyster, gather Tuckahoe, &c. as usual, within this County; for and during the Space of _____ from this Day. Given, &c.

43. *A Press Warrant. See Invasions & Insurrections. Sect. 2. 3.*

Stafford, ff. **A.** *B.* County-Lieutenant, or Colonel, Lieutenant-Colonel, or Major, [commanding the Militia, or Part of the Militia,] of the said County.

To *C. D.* Greeting :

These are in His Majesty's Name, to charge and require you to impress [any necessary Provisions mentioning,] for the Forces under my Command, and one [or more] Sloops [or Sloop and Boats, necessary for the Transportation of the said Forces over River, or Creek, or the Bay of *Chesapeake*,] with all Rigging, Tackle, and Furniture thereunto belonging: And all manner of Carts, Waggon, Draught-Horses, or Oxen, or other Conveniences for the Land-Carriage of Provisions, Guns, Arms, and Ammunition, from Place to Place; and all manner of Utensils, Tools and Instruments necessary for Digging, or Entrenching, or for Mounting Great Guns; and such and so many able and fit Men, as shall be necessary to go in the said Sloops, or Boats; And any Smith, Wheel-wright, Carpenter, or other Artificer, that may be wanting, for fixing of Arms, making Carriages for Great Guns, or other necessary Work requiring an Artificer; taking Notice, that upon Impresssing any of the said Provisions, Utensils, Tools, or Instruments, you cause an Appraisement thereof to be made, in Tobacco, by Two good and lawful Men, upon Oath; and upon Impresssing any Sloop, Boat, Cart, Waggon, Horses, or Oxen,

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y o r

P R E C E D E N T S.

you cause an Appraisal thereof to be made in like Manner, and an Estimate to be made by the same Men, of a suitable Allowance in Tobacco, by the Day, for the Use of such Boat, Sloop, Cart, Waggon, Horses, or Oxen; and to give the Owner of every Particular by you impressed, a Receipt for the same, with an Account therein, how the same was appraised, and how estimated, and for what Use and Service impressed; and make a Return of your Proceedings therein to me. Given under my Hand and Seal, at *Stafford County*, the Day of 1737.

Note, This is a General Warrant; so that when only some part of the Things are to be impressed, omit the rest of it; and it is proper to mention the particular Provisions, Necessaries, &c. wanted, and not to leave it to the Discretion of the Person it is directed to.

44. *Warrant to Two Persons to value the Damage any Sloop, Boat, &c. may have sustained in the Public Service. See Invasions and Insurrections, Sect. 14.*

Stafford, ss. *A. B.* Gent. One of his Majesty's Justices of the Peace for the said County. To *C. D.* and *E. F.* of the said County, Planners. Whereas *G. H.* hath this Day complained to me, That a Sloop, (Boat, Cart, or Waggon) belonging to him, and impressed by *I. K.* by Virtue of a Warrant from *L. M.* Lieutenant Colonel of the Militia in this County, on the Day of last past, for the Public Service, is very much diminished, (or a Cart Horse, or Two draught Oxen) belonging to him as before, is very much hurt, or disabled: Therefore we do authorize, empower and command you (having first taken an Oath for that purpose, before me, or some other of his Majesty's Justices of the Peace for the said County) well and truly to enquire and value the Damage which the said Sloop, Boat, Cart, Waggon, Horse, &c. hath sustained in the said Service; and make Return of your Proceedings therein to me. Given under my Hand, &c.

45. *A Warrant to imprison a Person detaining or imbezbling Arms, &c. See Invasions and Insurrections, Sect. 17.*

Stafford, ss. *A. B.* County Lieutenant, [or Chief commanding Officer of the Militia, in the said County] To the Sheriff, or Keeper of the Goal of the said County, Greeting. I send you herewith the Body of *C. D.* who was armed and furnished with [*here name the Arms, Accoutrements, and Ammunition, and their Value,*] out of his Majesty's Magazine, [or other Stores, naming them,] and doth detain, or hath imbezbled the same; strictly

P R E C E D E N T S.

strictly commanding you, in his Majesty's Name, to Receive the said C. D. into your Goal, and him there lately keep, without Bail or Mainprize, until he shall have made Satisfaction for the same; and make Return of your Proceedings therein to me: Herein fail not. Given under, &c.

46. *A Warrant to Three Freeholders to value Timber, for making or repairing Bridges on the Roads to Iron-Works. See Iron Works, Sect. 12.*

Stafford, ss. **A** B. Gent. One of his Majesty's Justices of the Peace for the said County, To C. D. E. F. and G. H. of the said County, Greeting. Whereas I. K. of the said County, hath complained to me, That the Owners or Chief Manager of the Iron-Works at A. in the said County, have caused to be cut down divers Timber Trees exceeding 15 Inches Diameter at the Butt upon the said I. K.'s Land, to make or repair a Bridge leading to the said Iron-Works, from C. Landing; and that N. C. the Chief Manager or Owner of the said Iron-Works, refuses to pay the said I. K. a reasonable Price for the same.

These are therefore to authorize, empower and command you, [having first taken an Oath for that Purpose, be ore me, or some other of his Majesty's Justices of the Peace for the said County,] well and truly to appraise and value, in Current Money, all such Timber exceeding 15 Inches Diameter at the Butt, as hath been or shall be cut down, on the Lands of the said I. K. for that Purpose; and make a Report of such your Valuation to me, or some other Justice of the Peace for the said County. Given under my Hand, &c.

47. *Warrant against an Housekeeper for entertaining One contrary to 1 Geo. 2, 7. See Levies Sect. 13.*

Stafford, ss. **C** O M P L A I N T, &c. [as in 28,] That E. D. of this County, Planter, hath entertained [hired or employed] in his House above 48 Hours, one I. K. who is a Tuhable Person, and hath removed from the Parish where he formerly resided, contrary to the Act, &c.

48. *Warrant to apprehend a Vagrant. See Levies, Sect. 15.*

C O M P L A I N T, &c. That one G. H. a vagrant, idle, and disorderly Person, is lately come into this County, and continues wandering, begging, or misordering him or her self, [as the Case is.]

P R E C E D E N T S.

These are therefore in His Majesty's Name, to will and require you to bring the said *G. H.* before me, to be examined, and dealt with according to Law; and you are further required to summon *I. K.* and *L. M.* to appear before me, to be examined, touching their Knowledge of the said *G. H.*'s Vagrancy, and Settlement: Herein fail not. Given, &c.

To *I. K.* Constable.

49. *The Examination of a Vagrant.*

The Examination of *G. H.* a Vagrant, and *I. K.* and *L. M.* touching his Vagrancy, and Settlement, taken on Oath before me, *A. B. Gent.* One of his Majesty's Justices of the Peace for *Stafford* County, the Day of 1737.

The Examined *G. H.* being this Day brought before me, for wandering, begging, and committing other Acts of Vagrancy, in the Parish of *O.* in this County, says, on his Oath, that the Place of his last Abode was in the Parish of *G.* in the County of *H.* where he served Six Years to one *N. O.* of the said Parish and County, Gent. and that being lately discharged, and out of Employment, he came into the Parish of *O.* in this County, on the Day of last past, and has continued therein ever since; and the said *I. K.* and *L. M.* both say, that they know the said *G. H.* and that he is an idle Fellow, and goes about Gaming, and refuses to work or labour for the usual Wages; but where he came from into this County, know not.

50. *Warrant to convey a Vagrant to the Place of his last Settlement.* See *Levies*, Sect. 15. *Virginia Justice*, Pag. 350.

51. *Warrant to remove a poor Person to the Place of his last Settlement.* See *Levies*, 17. *Virginia Justice*, Pag. 251.

52. *Warrant against a Minister, for exacting a greater Fee than the Law allows.*

Stafford, ff. **C**OMPLAINT, &c. That *G. H.* Clerk, [Minister of *O.* Parish, in this County,] has refused to publish the Banns of Matrimony between the said *E. F.* and one *J. K.* for the Fees settled by the Act of General Assembly, [or has exacted 25 *lb.* of Tobacco, for publishing the Banns of Matrimony, between the said *E. F.* and one *J. K.*] contrary to the Act of General Assembly, in that Case made and provided, &c.

53. *Judgment*

P R E C E D E N T S.

53. *Judgment on the above Warrant.*

The same as N^o. 29. having Regard to the Fine, which is 150 lb. of Tobacco.

54. *Warrant to imprison a disobedient Soldier. See Militia, Sect. 12.*

Stafford, ff. **F**ORASMUCH as *A. B.* of *C.* Troop [or Company,] in the said County, did disobey my lawful Commands, [or the lawful Commands of *D. E.* his Officer,] or behaved himself mutinously or disorderly at a Muster of the said Troop or Company, the Day of last past, or this Day:

I. F. G. Commanding Officer there present, by Virtue of the Power and Authority to me given by the Act of General Assembly, *for the Settling and better Regulation of the Militia*, do hereby in His Majesty's Name, order and command you to receive the Body of the said *A. B.* herewith sent into your Goal, and him safely keep in the same, without Bail or Mainprize, for the Space of Days [not exceeding Ten,] and 'til he shall have paid his Prison Fees. Herein fail not. Given, &c.

To the Sheriff, or Keeper of the Goal of *Stafford* County.

55. *Warrant to imprison a Soldier disobeying his Captain's Commands, in an Invasion, &c. See Militia, Sect. 13.*

Stafford, ff. **F**ORASMUCH as *A. B.* of *C.* Troop [or Company,] in the said County, hath disobeyed my lawful Commands in the late Invasion, or Insurrection, (as the Case is.)

I. F. G. Gent. Captain of the said Troop [or Company,] by Virtue, as in 54; only altering the Time of the Imprisonment; which, in this Case is Three Months.

56. *The Colonel's Warrant to discharge such a Soldier. See Militia, Sect. 14.*

H. *I.* Esq; Colonel, (or Commander in Chief,) of the Militia, in *Stafford* County.

To the Sheriff, or Keeper of the Goal of the said County, Greeting.
Whereas I have received Information, That *A. B.* of *C.* Troop, [or Company,] in the said County, is now detained in your Custody, by Virtue of a Warrant under the Hand of *F. G.* Gent.
Captain

P R E C E D E N T S.

Captain of the said Troop, [or Company,] for disobeying his lawful Commands in the late Invasion: I do hereby, in His Majesty's Name, by Virtue of the Power and Authority to me given by the Act of General Assembly, *for the Settling and better Regulation of the Militia*, strictly charge and require you, upon Sight hereof, to release and discharge the said *A. B.* out of your Custody [upon Payment of his Prison Fees,] if there detained for no other Cause. And for your so doing, this shall be your sufficient Warrant. Given under my Hand, &c.

57. *Warrant to levy a Fine laid by the Court-Martial. See Militia, Sect. 20.*

A. B. Gent. Chief Commanding Officer of the Militia in *Stafford* County, residing therein: To the Sheriff of the said County, Greeting. Forasmuch as you have returned to me, that *C. D.* was adjudged to pay _____ in which he was fined by the Court of Field Officers, and Captains, held at the Court-house of the said County, on the First [or Second] *Thursday* in *October* last past, for inspecting the Captains Returns of the Musters, &c. and hath refused to pay the same, upon the Order of the said Court: You are hereby required to levy the said _____ by Distresses and Sale of the Goods and Chattles of the said *C. D.* to the Uses appointed by Law; rendering to the said *C. D.* the Overplus [if any,] and make Return of your Proceedings therein to the Clerk of the said Court of Field Officers and Captains: Herein fail not at your Peril. Given, &c.

58. *Warrant to imprison such Offender, if no Distress can be had. See Militia, Sect. 20.*

A. B. Gent. Chief Commanding Officer of the Militia in *Stafford* County, residing therein. To the Sheriff of the said County, Greeting. Forasmuch as your Return to me, That *C. D.* refused to pay _____ in which he was fined by the Court of Field Officers and Captains, held at the Court-house of the said County, on the First [or Second] *Thursday* in *October* last past, for inspecting the Captains Returns of the Musters, &c. Upon the Order of the said Court issued out my Warrant to you directed, to levy the same by Distresses and Sale of the Goods and Chattles of the said *C. D.* On which Warrant you have returned, that you can find no Goods and Chattles of the said *C. D.* whereon to make Distress. You are therefore hereby required, in his Majesty's Name, to take the Body of the said *C. D.* [if he be found within your Bailiwick,] and him in your safe Custody to keep without Bail or Mainprize, until he shall have paid the said _____ and all Fees incident; and

P R E C E D E N T S.

and make Return of your Proceedings therein, unto the Clerk of the said Court of Field Officers and Captains. Herein fail not at your Peril. Given under, &c.

59. *Warrant against a Miller. See Mills, Sect. 8. II.*

C O M P L A I N T, &c. That *E. F.* a Miller at *B.* Mill, in the said County, refused to grind a Bag of Corn, or Wheat, &c. belonging to *C. D.* according to his Turn, or did not sufficiently grind a Bag of Corn, or Wheat, &c. belonging to the said *C. D.* and carried to the said Mill to be ground; or did take more than One Eighth Part of a Bag of Wheat, or One Sixth Part of a Bag of Corn, belonging to the said *C. D.* and carried to the said Mill to be ground, for the Toll thereof, contrary to the Act of General Assembly, in that Case made and provided.

These, &c. (*as in 28*)

60. *Judgment on the said Warrant.*

As in 29; the Fine is Fifteen Shillings, with Costs.

N. B. If the Miller is an imported Servant, or Slave, mention it in the Warrant; for in such Case, he is to be whipped for the first and second Offences, and after, the Owner to be liable.

61. *Warrant against the Owner of a Mill. See Mills, Sect. 10.*

C O M P L A I N T, &c. That *E. F.* the Owner of *B.* Mill, in the said County, does not keep in the said Mill, a Bushel, Half Bushel, Peck, or Toll Dish, tested according to the Directions of the Act of General Assembly, in that Case made and provided:

These, &c. (*as in 28.*) But if the Owner lives out of the Country, and has a known Attorney in it; *after provided, add, and* that the said *G. H.* lives out of this County, but that the said *J. K.* is the said *G. H.*'s Attorney; and then the Warrant is to enforce the Attorney's Appearance. But if the Owner has no known Attorney in the County, then *after provided, add, and* that the said *G. H.* lives out of this County, and has no known Attorney therein, but the said Mill is kept by *L. M.* a Servant, or Slave, belonging to the said *G. H.* and then the Warrant is to enforce the Appearance of the Servant, or Slave.

62. *Judgment*

P R E C E D E N T S.

62. *Judgment on the said Warrant.*

As in 29 ; only mentioning whether the Attorney, Servant, or Slave appears ; the Fine is Fifteen Shillings, with Costs, to the Informer.

63. *Warrant against one for refusing to take Money, at the Prices settled by Act of Assembly. See Money, Sect. 4. 9.*

Stafford, *J.* **C** O M P L A I N T, &c. That *E. F.* refused to take and accept from the said *C. D.* half a Moire, of *Portugal*, (or any other Species of Coin mentioned in the Acts) which the said *C. D.* tendered to him in Payment of a Money Debt, at the Rate settled by the Act of General Assembly, in that Case made and provided :
These, &c. (as in 28.)

64. *Judgment on the above Warrant.*

As in 29, &c.

65. *Warrant against One for coining, counterfeiting, falsifying, or debasing any Current Coin. See Money, Sect. 5. Virginia Justice, Page 85.*

66. *Warrant against an Ordinary-keeper, for not keeping sealed Measures, or not selling by them. See Ordinaries, Sect. 1.*

Stafford, *J.* **C** O M P L A I N T, &c. That *E. F.* a licensed Ordinary-keeper in the said County, did on the Day of _____ last past, sell by Retail unto him, or to *J. K.* Rum, &c. (as the Case is,) which was not measured by sealed Measures ; or that *E. F.* a licensed Ordinary-keeper in the said County, is not provided with a Gallon, Pottle, Quart, Pint, or Half Pint, sealed Measures, against the Form of the General Act of Assembly, in that Case made and provided :
These, &c. (as in 28.)

67. *Warrant to levy the Fine by Distress.*

Stafford, *J.* **A.** *B.* Gent. &c. To *C. D.* Constable, Greeting.
Forasmuch as it was, this Day, duly proved before me, upon the Information of *C. D.* that *E. F.* a licensed Ordinary-keeper in the said County, did on the Day of _____ &c. (as in the Complaint according to the Case,) in that Case, made and provided ; whereby he has forfeited

P R E C E D E N T S

to the said *C. D.* 10 s. Current Money, together with for
Costs, by Distress and Sale of the Goods and Chattels of the said
E. F. rendering him the Overplus, (if any.) And that you pay
the same to the said *C. D.* and make Return how you have exe-
cuted this Warrant. Given, &c.

68. *Warrant to Suppress an Ordinary.* See *Ordinaries*, Sect. 5:
Virginia Justice, Page 243.

69. *Warrant against an Ordinary-keeper, for demanding, &c.
greater Prices than allowed for Drink, &c.* See *Ordinaries*,
Sect. 8.

Stafford, ff. **C**OMPLAINT, &c. That *E. F.* an Ordinary-
keeper in this County, did, on the Day
of last past, Demand or Receive from Him, (or from
J. K.) Two Shillings for One Quart of Rum Punch, (being a
greater Price than was settled by the Court of the said County,
for Ordinary-keepers to sell at,) contrary to the Act, &c. These
are, &c. (as in 28.)

70. *Judgment on the said Warrant, is as in 29, The Fine Ten
Shillings, with Costs.*

71. *Warrant against an Ordinary-keeper, for Harboursing a
Sailor, or Servant.* See *Ordinaries*, Sect. 12.

Stafford, ff. **C**OMPLAINT, &c. by *E. F.* Master of the
Ship *F.* or *E. F.* of the said County, Planter,
That *G. H.* an Ordinary-keeper, in the said County, did, on the
Day of last past, Harbour or Entertain, or Sell
Drink to *J. K.* (a Sailor) in actual Pay on Board the Ship, (or
to *J. K.* a Servant belonging to him,) without the Licence of the
said *E. F.* contrary to the Act, &c. These are therefore, &c. (as
in 28.)

72. *Judgment on the said Warrant, as in 29. The Fine 10 s.
with Costs.*

73. *Judgment against an Ordinary-keeper, &c. for Double Costs,
according to 8 Geo. 2, cap. 14. See Ordinaries, 17.*

On hearing the within Complaint, it having been duly proved,
That the Complainant did Sell upon Credit, to the said *E. F.* Dis-
tilled Spirits, or Mix'd Liquors, &c. (as the Case is) exceeding the
Value of 20 s. Current Money, in One Year: And that the Sum
E e edemanded

P R E C E D E N T S.

demand in the within Account, is for such Liquors so Sold, above the said Value: It is considered, That the said Warrant be dismissed; And, that the said *E. F.* recover against the within named *C. D.* Pounds of Tobacco, being for the said *E. F.*'s Costs, by him in this Behalf expended: Doubled according to the Act of the General Assembly in that Case made and provided. Given, &c.

74. *Warrant against one for Cursing, Swearing, or being Drunk.*
See *Religion*, Sect. 4. *Virginia Justice*, Page 134.

75. *Warrant to levy the Fine for not going to Church, &c.* See *Religion*, Sect. 6.

Stafford, ss. *A. B.* Gent. &c. To *C. D.* Constable, Greeting.
A. Whereas it hath been this Day duly proved before me, that *E. F.* of the Parish of *O.* in the said County, hath, for One Month last past, absented himself from Divine Service, at his said Parish Church, or Chapel, or was, on the last Lord's Day, present at a disorderly Meeting, at *Q.* in the said County, or gaming, or tippling, or travelling upon the Road, or working in his Corn, Tobacco, or other Labour, (as the Case is,) contrary to the Act of General Assembly, in that Case, made and provided,

These are therefore, in his Majesty's Name, to will and require you to demand and receive of the said *E. F.* Five Shillings, or Fifty Pounds of Tobacco; and that upon Receipt thereof, you pay the same to the Church-wardens of the said Parish of *O.* for the Use of the Poor of the said Parish: And if the said *E. F.* shall refuse to make present Paiment thereof, or to give sufficient Caution for Paiment thereof, at the laying the next Levy for the said Parish, that then you take the said *E. F.* and give him Ten Lashes on the Bare Back, well laid on; for which this shall be your sufficient Warrant: Herein fail not; and make Return how you shall have executed the same. Given, &c.

76. *Warrant against one for leaving a Ship under Quarentine.*
See *Quarentine*, Sect. 2.

C O M P L A I N T, &c. That *G. H.* who lately arrived in the Ship *I.* from *K.* which Place was infected with the Plague, and the said Ship, for that Cause, obliged to make her Quarentine; did, during the Time of such Quarentine, quit the said Ship, and come on Shore at *L.* or go on board the Ship *M.* lying at *N.* contrary to the Act of General Assembly, in that Case made and provided:

These are, &c. (as in 28.)

77. *Convic-*

P R E C E D E N T S.

77. *Conviction on such Warrant. See Quarentine, Sect. 2.*

Upon hearing the within Complaint, and Examination of Witnesses, it being duly proved before me, that the within named *G. H.* did quit the within mentioned Ship *I.* and go on board the Ship *M.* lying at *N.* during the Time the said Ship *I.* was performing her Quarentine: I therefore adjudge that the said *G. H.* shall forfeit (not exceeding Twenty Pounds) and that the Sum of (not exceeding the Third part) shall thereout, be paid unto the within named *E. F.* who made the Information against the said *G. H.* Given under my Hand, this
Day of

78. *Mittimus, in Default of Paiment. See Quarentine, Sect. 2.*

Stafford, ff.

A. B. Gent. &c. To the Sheriff of the said County, Greeting.
A. Whereas it was this Day duly proved before me, That *G. H.* lately arrived from *K.* in the Ship *I.* did, during the Time of the said Ship's Performing her Quarentine, quit the said Ship, and go on board the Ship *M.* lying at *N.* for which Cause I did adjudge the said *G. H.* to pay Twenty Pounds, according to the General Act of Assembly, in that Case, made and provided; and the said *G. H.* having made Default in the Paiment thereof.

These are therefore in his Majesty's Name, to will and require you to receive the Body of the said *G. H.* and him safely keep in the Goal of your County, without Bail or Mainprize, for the Space of Days, (not exceeding One Month) and for your so doing, this shall be your sufficient Warrant. Given, &c.

79. *Attachment against a Tenant, suspected to run-away before the Rent due. See Rents, Sect. 17.*

Stafford, ff. *A. B. Gent. &c.* To the Sheriff of the said County, Greeting. Whereas *C. D.* of the said County, Gent. this Day came before me, and made Oath, that he leased a Plantation at *E.* in the said County, to *F. G.* for the Rent of 600 *lbs.* of Tobacco, and Cask, to be paid on the 25th Day of *December*, now next coming; and that the said *C. D.* has Reason to suspect, and verily believes, that the said *F. G.* will remove his Effects before the said Day of Paiment:

These are therefore in his Majesty's Name, to will and require you to Attach so much of the Estate of the said *F. G.* if to be found within your Bailiwick, as will be sufficient to satisfy the said Rent and Costs, and the same in your Hands to secure, or

P R E C E D E N T S.

so to provide, that the same may be forthcoming at the next Court to be held for the said County, the Second *Tuesday* in *N.* next, to which you are to make Return of your Proceedings herein; except the said *F. G.* at the Time of your serving this Precept, shall give Bond, with one or more sufficient Sureties, for the Payment of the said Rent, upon the said 25th Day of *December*: Herein fail not. Given, &c.

80. *Warrant against one for putting a Hedge in a River, or Creek, &c. See Rivers and Creeks, Sect. 2. 5.*

Stafford, J. **T**H A T *F. G.* hath set a Hedge in *M. Creek*, which divides this County from the County of *W.* by which the Passage of the said Creek is obstructed; or that *F. G.* who, as it appears to me of Record, was convicted of placing a Hedge in *M. Creek*, which divides this County from the County of *W.* by which the Passage of the said Creek was obstructed, has suffered the said Hedge to continue, without pulling up, for the Space of Two Weeks, since the said Conviction; or that *F. G.* did fell a Tree into *M. Creek*, in the said County, and did not cut and carry it away within 48 Hours after selling the same, contrary to the Act, &c. (*as in 28, to the End.*)

81. *Judgment on the said Warrant.*

As in 29; regarding the Fine, which is 200 *lbs.* of Tobacco, and Costs, for placing the Hedge; 100 *lbs.* of Tobacco, for every Week it continues after Conviction; and Fifteen Shillings for felling a Tree.

82. *Warrant against the Proprietor of a Rolling-house, for keeping Stock not fenced in. See Rolling-houses, Sect. 15.*

CO M P L A I N T, &c. That *G. H.* the Proprietor of half an Acre of Land, set a-part for building a Rolling-house, according to the Act of Assembly, in that Case made and provided, not having any Land adjacent thereto, keeps Hogs, and other Stock thereon, without being sufficiently fenced in; and that Ten Hogs and Two Horses belonging to the said *G. H.* were, on the Day of last past, found at large upon the Land of the said *E. F.* adjacent to the said Rolling-house:

These are, &c. (*as in 28.*)

83. *Warrant to convey a Runaway Seaman on board. See Sailors, Sect. 1. Virginia Justice, Page 311.*

84. *Receipt*

P R E C E D E N T S.

84. *Receipt for such Runaway Seaman. See Sailors, Sect. 1. Virginia Justice, Page 311.*

85. *Certificate to the Taker-up. See Sailors, Sect. 2. Virginia Justice, Page 311.*

86. *Warrant against a Seaman for absenting himself from his Duty. See Sailors, Sect. 12.*

Stafford, ff. **C** O M P L A I N T, &c. by *E. F.* Commander of (or Seaman belonging to) the Ship *G. of H.* now riding at Anchor in *P. River*, that *I. K.* a Seaman belonging to the said Ship, did on the Day of last past, without the Licence of the said *E. F.* (or of his Commander) go on Shore and absent himself from his Duty, contrary to the Act of, &c.

These are, &c. (*as in 28.*)

87. *For disobeying the Commands of his Captain, or Officer. See Sailors, Sect. 13.*

Stafford, ff. **C** O M P L A I N T, &c. That *G. H.* a Seaman, sent in a Sloop, Boat, or Flat, from on board the Ship *G. of H.* now riding at Anchor in *P. River*, for Delivery of Goods from on board, or fetching Tobacco, or other Merchandize for lading the said Ship, did on the Day of last past, disobey the Lawful Commands of *I. K.* his Captain (or Officer appointed by his Captain to take Charge of such Sloop, &c.) contrary, &c.

These are, &c. (*as in 28.*)

88. *Warrant for a disobedient Seaman. See Sailors, Sect. 14. Virginia Justice, Page 312.*

89. *Warrant against the Master of a Vessel. See Sailors, Sect. 17. Virginia Justice, Page 313.*

90. *Certificate of Discharge of a Seaman. See Sailors, Sect. 18. Virginia Justice, Page 313.*

91. *Warrant against the Master of a Vessel, for immoderately beating, &c. a Seaman. See Sailors, Sect. 19.*

Stafford, ff. **C** O M P L A I N T, &c. by *E. F.* a Seaman, belonging to the Ship *G. of H.* now riding at Anchor at *B.* in *P. River*, That *J. K.* Master of the said Ship, did, on

P R E C E D E N T S.

on the Day of last past, immoderately beat [or
wound, or maim,] him, [as the Case is.] These are, &c. as
in 28.

92. *Warrant against a Master for abusing a Servant. See
Servants, Sect. 8.*

Stafford, ff. **C**OMPLAINT, &c. by *E. F.* a Christian
White Servant Man, belonging to *G. H.* of the
said County, Planter, That his said Master did on the Day
of last past, immoderately whip and beat him, and will
not allow him necessary Diet, Lodging, and Cloathing : These
are, &c. as in 28.

93. *Certificate for taking up a Runaway. See Servants, Sect. 23.
Virginia Justice, Page 282.*

94. *Warrant with a Runaway, sent from Constable to Constable.
See Servants, Sect. 25. Virginia Justice, Page 282.*

95. *Warrant with a Runaway that has crossed Chesapeak Bay.
See Servants, Sect. 26.*

Stafford, ff. **A.** *B. Gent. &c.* To *C. D.* Constable, and all
Others, to whom these Presents shall come,
Greeting. I send you herewith the Body of *E. F.* a White Ser-
vant Man, belonging to *G. H.* of *N.* County, (who was taken up,
being run away, by *J. K.* in this County, and by him this Day
brought before me,) commanding you in His Majesty's Name, to
receive the said Runaway into your Custody, and to give him
(not exceeding 39) Lashes on his bare Back well laid on ;
and then to convey and deliver him to the next Constable, to be
conveyed from Constable to Constable, 'til he shall be delivered to
the Sheriff of some County adjoyning to *Chesapeak* Bay, who
is required and commanded to receive the said Runaway, and
transport him across the said Bay, and deliver him to some Con-
stable of the County adjoining the said Bay on the other Side,
to be conveyed from Constable to Constable, 'til he shall be de-
livered to the said *G. H.* his Master. And I further command eve-
ry Constable to whom the said Runaway shall be delivered,
together with the Warrant, to take him into Custody, and give
a Receipt for him, and convey and deliver him as aforesaid, and
to give him the like Number of Lashes on his bare Back, well laid
on, Given, &c.

96. *Warrant*

P R E C E D E N T S.

96. *Warrant for permitting a Slave to continue above Four Hours on any Plantation. See Servants, Sect. 32.*

Stafford, ff. **C**OMPLAINT, &c. That *E. F.* or if an Overseer, add [Overseer at a Plantation belonging to *G. H.* in this County,] did willingly permit *Jack*, a Negro Slave belonging to *K. L.* on the Day of last past, to continue on his Plantation [or on the Plantation of the said *G. H.*] above Four Hours, without the Leave of the said *Jack's* Master, Mistress, or Overseer [as the Case is,] contrary to the Act, &c.

97. *Judgment is in 29. The Fine is 150 lbs. of Tobacco to the Informer.*

98. *Warrant against a Negro, Mulatto, or Indian, for resisting a Christian White Person. See Servants, Sect. 34.*

Stafford, ff. **C**OMPLAINT, &c. That *E.* a Negro, Mulatto, or Indian Slave, belonging to *G. H.* of the said County, [or a free Negro, Mulatto, or Indian,] did, on the Day of last past, strike, beat, or lift his or her Hand in Opposition against *J. K.* a Christian White Person, contrary to the Act, &c.

99. *Proclamation against an Outlying Slave. See Servants, Sect. 37. Virginia Justice, Page 258.*

100. *Mittimus for a Runaway, that cannot or will not declare his or her Owner's Name. See Servants, Sect. 42. Virginia Justice, Page 285.*

101. *Warrant against a Sheriff, or Keeper of the Public Goal, for taking greater Fees than allowed by Law for keeping Runaways. See Servants, Sect. 149.*

Stafford, ff. **C**OMPLAINT, &c. That *E. F.* Sheriff of the said County [or Keeper of the Public Goal,] did demand and take of the said *C. D.* [mentioning the Sum, and for what it is] contrary to the Act, &c.

102. *An Escape Warrant. See Sheriffs, Sect. 25. Virginia Justice, Page 171.*

103. *A Warrant for suffering an Unlawful Concourse of Slaves. See Slaves, Sect. 17.*

Stafford,

P R E C E D E N T S.

Stafford, J. **C** O M P L A I N T, &c. That *E. F.* (or if an Overseer, *add*, Overseer of a Plantation belonging to *G. H.* in this County,) did, on the Day of last past, at his, or the said Plantation, knowingly permit and suffer Ten (it must be above Five) Negroes or Slaves, other than the Slaves belonging to the said Plantation, to remain and continue thereon, contrary to the Act, &c.

104. *Warrant against one for harbouring, &c. such Negroes, &c. See Slaves, Sect. 19.*

Stafford, J. **C** O M P L A I N T, &c. That *E. F.* (if a white Person, or a free Negro, Mulatto, or Indian) was on the Day of last past, found in Company with Negroes, or other Slaves, at an unlawful Meeting, at the Plantation of *G. H.* in the said County: Or did, on the Day of last past, harbour or entertain *I.* a Negro Slave belonging to *K. L.* of the said County, without the Consent of the said *K. L.* contrary, &c. Or that *E. F. G. H. I. K. L. M.* Negroes, or other Slaves, belonging to *N. O.* of the said County, (or where they belong to several Owners, mention them particularly,) did, on the Day of last past, unlawfully meet and assemble together at the Plantation of *G. M.* in the said County, contrary, &c.

105. *Warrant against a Constable, failing to endeavour to suppress an unlawful Meeting of Negroes. See Slaves, Sect. 21.*

Stafford, J. **C** O M P L A I N T, &c. That *E. F.* Constable, knowing or having been informed, that divers Negroes or other Slaves, above the Number of Five, were, on the Day of last past, unlawfully met and assembled together, at the Plantation of *G. H.* in the said County, contrary to the Act of General Assembly, in that Case, made and provided: Yet the said *E. F.* did fail to do his Endeavours to suppress the said Meeting, and to bring the said Offenders to Punishment, contrary to the said Act, &c.

106. *Warrant against a Negro, for keeping Arms, &c. See Slaves, Sect. 23. Virginia Justice, Page 14.*

107. *A License to Negroes, &c. to keep Arms. See Slaves, Sect. 24. Virginia Justice, Page 14.*

108. *Warrant*

P R E C E D E N T S.

88. *Warrant against the Minister (or Reader,) for not publishing the Act 9 Geo. 1. cap. 4. See Slaves, Sect. 33.*

Stafford, ff. **C**OMPLAINT, &c. That *A. B.* Minister of *O.* Parish in the said County [or Reader at *P.* Church in *O.* Parish, in the said County,] did fail publickly to read the Act of General Assembly, entituled, *An Act directing the Trial of Slaves committing Capital Crimes, and for the more effectual punishing Conspiracies and Insurrections of them, and for the better Government of Negros, Mulattoes, or Indians, at the Door of P. Church, in the said Parish, [or at the Door of the said Church,] on some Sunday in April, (or October) last past, after Divine Service ended; contrary to the Directions of the said Act.*

N. B. That Law seems to be Mis-printed; for, by the Words of the Act, the Churchwardens seem enjoyned to read the Act, and the Fine is laid on the Minister, or Reader, for not doing it.

109. *Warant against a Surveyor, for refusing to allow the Discount allowed for paying his Fees in Inspectors Notes. See Surveyors, Sect. 20.*

Stafford, ff. **C**OMPLAINT, &c. That *E. F.* Surveyor of the said County, did, on the _____ Day of _____ last past, refuse to allow and abate unto the said *C. D.* Ten per Cent. out of Four Hundred Pounds of Tobacco paid by the said *C. D.* to the said *E. F.* for Surveyors Fees, being the Abatement settled by Law for the Conveniency of paying the same in the said County in Inspectors Notes; contrary, &c.

The Penalty is Five Shillings for every Hundred of Tobacco, for which the Surveyor refuses to make the Abatement; and, if it is not under Twenty Five Shillings, the Justice cannot hold Cognizance of it.

110. *Certificate for the Bounty on Tar. See Tar and Hemp. Sect. 2. Virginia Justice, Page 255.*

111. *Certificate for the Bounty on Hemp. See Tar and Hemp. Sect. 8.*

Stafford, ff. **I** *A. B.* Gent. one of His Majesty's Justices of the Peace [or Sheriff,] of the said County, [or Under Sheriff, or Constable, within the said County,] do hereby Certify, That upon the Request of *C. D.* of the said County, Gent. and on his Plantation therein, I did, on the _____ Day of _____
F f f weigh

P R E C E D E N T S.

weigh for the said *C. D.* Twenty gross Hundred of Hemp, which was then Water-rotted, Bright, and Clean ; and which the said *C. D.* did then and there affirm, was made by the Servants and Slaves of the said *C. D.* on the said Plantation, in the Year last past. Given under my Hand the said Day of

112. *Certificate to a Cooper. See Tobacco, Sect. 15.*

Stafford, ss. **I** *A. B.* Gent. One of his Majesty's Justices of the Peace for the said County, do hereby Certify, That *C. D.* of the said County, Cooper, this Day came before me, and made Oath, that he will not wittingly or willingly, set up any Tobacco Hogshead of a larger Size than is directed by the Act of General Assembly, entituled, *An Act for improving the Staple of Tobacco, and for regulating the Size and Tare of Tobacco Hogsheads*: And that he will tare or cause to be tared, with a Marking-Iron, or Branding-Iron, every Tobacco Hogshead that shall be by him set up, with the true Weight thereof, on the Bulge and Head of the Hogshead, together with the first Letter of his Proper-name, and Sir-name. Given, &c.

Or,

Certificate, That *C. D.* of the said County, Planter, this Day came before me, and made Oath, that he will not, wittingly or willingly, suffer or permit *M. B.* a Negro, Mulatto, or other Servant by him employed in making Tobacco Hogsheads, to set up any Hogshead, &c. (as in the former to the End, altering, by him set up,) to by the said *M. B.* set up and his proper, to his (the said *C. D.*'s proper.)

113. *Warrant against the Skipper of a Vessel, for taking on board Bulk Tobacco. See Tobacco, Sect. 46.*

Stafford, ss. **C** O M P L A I N T being this Day made to me *A. B.* Gent. One of his Majesty's Justices of the Quorum for the said County, by *C. D.* That *E. F.* the Skipper or Master of a Sloop, Boat, or Flat, carrying Tobacco for hire, to or from the Public Warehouses in this County, did on the Day of last past, take or suffer to be taken on board his said Sloop, Boat, or Flat, One Hundred Pounds of Tobacco, in Bulk, or Parcels; and that *G. H.* and *I. K.* who were employed in Navigating the said Vessel, did conceal the taking on board the same; contrary to the Act, &c.

114. *Warrant*

P R E C E D E N T S.

114. *Warrant against the Owner of a Vessel for his Servants Default. See Tobacco, Sect. 46.*

Stafford, J. &c. **T**H A T *E. F.* the Owner of a Sloop, Boat, (as in 113.) or Flat, carrying Tobacco for hire, to or from the Public Warehouse in this County, did entrust the Care and Management of the said Sloop, &c. to *G. H.* a Servant belonging to the said *E. F.* who has formerly been convicted of taking on board his said Sloop, Tobacco in Bulk and Parcels; and that the said *G. H.* did, on the Day of last past, again offend in the like Kind, by taking on board the said Sloop, &c. One Hundred Pounds of Tobacco; contrary, &c.

115. *Warrant against Inspectors, refusing to pay Notes by them signed. See Tobacco, Sect. 57.*

Stafford, J. **C** O M P L A I N T, &c. That *E. F.* and *G. H.* Inspectors at *I.* Warehouse in the said County, did, on the Day of last past, refuse to pay and discharge unto the said *C. D.* an Inspectors Note by them signed, for One Hundred Pounds of Tobacco to *I. K.* or his Order, on Demand, at the said Warehouse; contrary to the Act, &c.

116. *Judgment on the said Warrant.*

On hearing of the within Complaint, it being duly proved before me, that the within named *E. F.* and *G. H.* did refuse to pay the within mentioned Inspectors Note for One Hundred Pounds of Tobacco, contrary to the Act of General Assembly, in that Case made and provided; and it being also duly proved, that the said One Hundred Pounds of Tobacco is, and at the Time of the within named *C. D.*'s demanding the same, was of the Value of Twenty Shillings Current Money: It is therefore considered, that the said *C. D.* recover against the said *E. F.* and *G. H.* Forty Shillings Current Money, according to the Form of the said Act of Assembly, for the double Value of the said Tobacco, together with his Costs by him in this Behalf expended. Given, &c.

Set down the Costs.

117. *Warrant to search a Skip or Vessel for Bulk Tobacco. See Tobacco, Sect. 95.*

Stafford, J. **W** H E R E A S *C. D.* hath this Day made Application to me, *A. B.* Gent. One of his Majesty's Justices of the Peace for the said County, and informed me, that he has

P R E C E D E N T S.

been informed, or has Reason to suspect, that there has been shipped or taken on board the Ship *H. of L.* now riding at Anchor at *B.* in *P.* River, whereof *I. K.* is Master, divers Parcels of Bulk Tobacco; contrary to the Act of General Assembly, in that Case made and provided:

These are therefore, in his Majesty's Name, to will and require you, on Sight hereof, to go on board the said Ship, and search for and seize all Tobacco you shall find therein in Bulk, or Parcels, and the same being seized, to bring ashore before me or some other of his Majesty's Justices of the Peace for the said County, to be weighed, and burnt, according to the said Act: Herein fail not; also to make due Return how you shall have executed this Warrant. Given, &c.

This may be directed to the Sheriff, or any Constable.

118. *Return of the said Warrant.*

By Virtue of this Warrant to me directed, I went on board the within mentioned Ship, on the Day of last past, and then and there found divers Parcels of Tobacco in Bulk, and Parcels, which I seized and brought ashore, and now have before the within named *A. B.* Gent. as within to me is commanded.

119. *Warrant against the Master of the said Ship.*

Stafford, J. *A. B.* and *E. F.* Gent. Two of his Majesty's Justices of the Peace for the said County, To the Sheriff of the said County, Greeting. Whereas upon the Application and Information of *C. D.* the said *A. B.* did on the

Day of last past, direct his Warrant to you, or to *G. H.* Constable, to go on board the Ship *H. of L.* now and then riding at Anchor at *B.* in *P.* River, whereof *I. K.* is Master, to search for and seize all Tobacco found in Bulk or Parcels on board the said Ship, and you or the said *G. H.* did, by Virtue thereof, seize and bring on shore divers Parcels of Tobacco, found in Bulk or Parcels on board the said Ship, which the said *I. M.* did, on the Day of this Instant, cause to be weighed, and found to weigh Four Hundred Pounds, and after caused the same to be burnt, according the Directions of the Act of General Assembly, in that Case made and provided:

These are therefore, in his Majesty's Name, to will and require you to bring the said *I. K.* before us, to answer the Premises: Herein fail not; and to make due Return how you have executed this Warrant. Given, &c.

P R E C E D E N T S.

120. *Judgment on the said Warrant.*

On hearing the within Complaint, it being duly proved before us, that there was found on board the within mentioned Ship *H.* of *L.* whereof the within named *I. K.* is Master, Four Hundred Pounds of Tobacco, in Bulk, or Parcels, (it would be proper if the Master was not privy, to mention here, if it appeared which of the Sailors had brought it, or the several Parcels of it on board, as it might render the Master's Remedy against them less troublesome) whereby, and by Force of the Act of General Assembly, the said *I. K.* has forfeited Four Pounds Current Money, whereof our Sovereign Lord the King to have the One Moiety, towards defraying the Expence of the Execution of the Act, entituled, *An Act for amending the Staple of Tobacco, and for preventing Frauds in his Majesty's Customs*, and the said *C. D.* to have the other Moiety thereof, according to the Form of the Act of General Assembly, aforesaid. Given, &c.

121. *Certificate about Inspectors Notes lost, &c. See Tobacco, Sect. 113.*

Stafford, ff. **T**HIS is to Certify, That *C. D.* this Day came before me *A. B.* Gent. One of his Majesty's Justices of the Peace for the said County, and made Oath, that on or about the Day of last past, he was possessed of an Inspectors Note, signed by *E. F.* and *G. H.* Inspectors at *Q.* Warehouse in the said County, dated the 26th Day of *July*, 1737, and numbred 1250, for the Paiment of One Hundred Pounds of Tobacco at the said Warehouse, to *I. K.* or his Order; which Note the said *C. D.* received from the said *I. K.* in Paiment for the Sum therein mentioned; which Note the said *C. D.* did loose or mislay, and does not know what is become of the same, (or was destroyed, and mention how) and that the said *C. D.* at the Time the said Note was lost, mislaid, or destroyed, was entituled to receive the Tobacco therein mentioned. Given, &c.

122. *Warrant against Inspectors for taking Drafts or Samples of Tobacco. See Tobacco, Sect. 111.*

Stafford, ff. **C**OMPLAINT, &c. (as in 28.) That *E. F.* an Inspector at *Q.* Warehouse in the said County, did, on the Day of last past, take out of a Freight or Crop Hogshead of Tobacco belonging to the said *C. D.* while the same was inspecting, a Draught or Sample thereof, which he disposed of to his own Use, and did not put the same again into the Hogshead, altho' the same was fit to pass; contrary to the Act, &c.

123. *Warrant*

P R E S I D E N T S.

123. *Warrant against Inspectors, for not burning Trash Tobacco the same Day it is picked. See Tobacco, Sect. 134.*

Stafford, ff. **C**OMPLAINT, &c. That *E. F.* and *G. H.* Inspectors at *Q.* Warehouse, in the said County, did, on the Day of last past, fail to burn a Parcel of Trash Tobacco, which the said *E. F.* or *G. H.* did, in picking a Parcel [or Hogshead,] of Tobacco at the said Warehouse, the same Day, separate as Trash; contrary to the Act, &c.

124. *Warrant against Inspectors, for inspecting Tobacco made out of the District. See Tobacco, Sect. 146.*

Stafford, ff. **C**OMPLAINT, &c. That *E. F.* and *G. H.* Inspectors at *Q.* Warehouse, in the said County, in *S. P.* District, in *P.* River, did, on the Day of last past, inspect and pass One Hogshead of Crop [or Transfer] Tobacco, which was made in District, in River, and carried by Water, out of the said District, to the District of *S. P.* aforesaid, altho' the said Inspectors knew the said Tobacco was made out of the said District of *S. P.* contrary to the Act, &c.

125. *Warrant against the Owner of Tobacco brought and inspected out of the District where it was made. See Tobacco, Sect. 146.*

COMPLAINT, &c. That *E. F.* on or about the Day of last past, did bring (or cause to be brought,) by Water, one Hogshead of Crop (or Transfer) Tobacco, out of District, in River, where the same was made, into the said County of *Stafford*, in *S. P.* District, in *P.* River, and got the same inspected and passed at *Q.* Warehouse, in the County and District last mentioned; contrary to the Act, &c.

126. *Warrant to search for and seize Tobacco made up in small Packages. See Tobacco, Sect. 95.*

Stafford, ff. **C**OMPLAINT being made to me *A. B.* Gent. one of His Majesty's Justices of the Peace for the said County, by *C. D.* upon Oath, that there are divers small Casks, Chests, and Cases of Tobacco, pressed in the House, (Warehouse, or Storehouse,) of *E. F.* in this County, in Order to be shipped off, that do not contain Two Hundred Weight of Nett Tobacco, or that there are divers Packages of Tobacco made up in Linen, Cords, or Spun-Yarn (as the Case is,) in the House, &c.
of

P R E C E D E N T S.

of *E. F.* in this County, in Order to be shipped off; contrary to the Act of General Assembly in that Case made and provided:

These are in His Majesty's Name, to will and require you, to enter the House, &c. of the said *E. F.* or, if there should be Need, to break open and enter the same, by Day or Night, and search for and seize all such Packages of Tobacco, and to bring before me, or some other of His Majesty's Justices of the Peace for the said County, the said Tobacco, and the Person in whose Possession the same shall be found, to be proceeded against according to the Directions of the said Act. Herein fail not. Given, &c.

127. *Order to view a Fence. See Trespasses, Sect. 3. Virginia Justice, Page 348.*

128. *Warrant against one hurting Cattle, &c. doing Damage, for Want of lawful Fence. See Trespasses. Sect. 4.*

Stafford, ff. **C**OMPLAINT being this Day made to us, *A. B.* and *C. D.* Gent. two of His Majesty's Justices of the Peace for the said County, (one of which is of the *Quorum*,) by *C. D.* That *E. F.* on the Day of last past, did hurt, wound, lame, kill, or destroy, or cause to be hurt, &c. by shooting, hunting with Dogs, or otherwise, [as the Case is,] a Horse, Cow, Steer, Sheep, Goat, or Hog, belonging to the said *C. D.* on Pretence of Damage done by the said Horse, &c. in the Corn Field, &c. of the said *E. F.* in the said County, for Want of a lawful and sufficient Fence; contrary to the Act of General Assembly in that Case made and provided; and to the Damage of the said *C. D.* of Nineteen Shillings. [It must be under Twenty Shillings.]

These are in His Majesty's Name, to will and require you to bring the said *E. F.* before us, to answer the said Complaint; and to summon such Witnesses to appear before us at the Time of the Trial thereof, as either the said *C. D.* or *E. F.* shall require you to summon in their Behalfs. Herein fail not. Also to make due Return of this Warrant. Given, &c.
To *I. K.* Constable.

129. *Judgment on the above Warrant.*

On hearing the within Complaint, it being duly proved before us, that the within named *E. F.* is guilty of the Trespass within complained of, and that the within named *C. D.* hath, by Occasion thereof, sustained Damage to the Value of Nineteen Shillings, doubled, amounting to Thirty Eight Shillings, according

P R E S E N T S.

to the Form of the within mentioned Act of General Assembly, together with his Costs by him in this Behalf expended. Given, &c. [Tax the Costs.]

130. *Warrant for the Reward of taking up a Horse, &c. known to bark Fruit-Trees. See Trespasses. Sect. 5, 6.*

Stafford, ff. **C**OMPLAINT, &c. [as in 28.] That the said C. D. did on the _____ Day of _____ take up a Horse, (or Cow, as the Case is) at large at _____ in the said County, belonging to the said E. F. which has been known to bark Fruit-Trees, and delivered the same to the said E. F. who refused to pay unto the said C. D. One Hundred Pounds of Tobacco for the same, according to the Act, &c.

131. *Attachment against a Debtor's Estate, where the Debt does not exceed 1000 lbs. Tobacco, or Five Pounds Current Money. See Transportation of Debtors. Sect. 5.*

Stafford, ff. **C**OMPLAINT, &c. [as in 28.] by C. D. upon his Corporal Oath, That E. F. is justly indebted to him 1000 lb. of Tobacco, by Obligation, Account, &c. [as the Case is.] And that the said C. D. has Grounds to suspect, and verily believes, the said E. F. intends to remove his Effects. These are therefore in His Majesty's Name, to will and require you, and every of you within your respective Counties and Precincts, to attach so much of the Estate of the said E. F. [if to be found therein,] as will be sufficient to satisfy the said Debt, and Costs; and the same in your Hands to secure, or so to provide, that the same may be liable upon further Proceedings therein to be had at the next Court to be held for the said County of Stafford, on the second Tuesday in _____ next, to which you are to make Return of your Proceedings herein. Given, &c.

To all Sheriffs and Constables within the Colony of Virginia.

132. *Notice of having taken up a Stray. See Waifs and Strays. Sect. 1.*

Stafford, ff. **T**HIS is to give Notice, (pursuant to the Act of Assembly in that Case made and provided,) That I did, on the _____ Day of _____ last past, take up at my Plantation in the said County, a Horse, Mare, Cow, Steer, &c. (describing the Mark, Stature and Colour of them,) where, if the Owner thereof applies, he may have the same, upon Payment of the Reward allowed by Law for taking up. Given under my Hand, the _____ Day of _____ 133. *Warrant*

P R E C E D E N T S.

133. *Warrant against one for Using a stray Horse, &c. or not Posting of it. See Waists and Strays, Sect. 1.*

Stafford, J. **C** O M P L A I N T, &c. That *E. F.* has taken up a Horse, &c. belonging to the said *C. D.* as a Stray, and failed to publish Notice thereof, according to the Directions of the Act of Assembly, in that Case made and provided: Or as before, to a Stray, and has made Use of the same, contrary to the Act, &c.

134. *Warrant for appraising such Stray, &c. if no Owner appears within a Year. See Waists and Strays, Sect. 2.*

Stafford, J. **A.** *B. Gent.* One of his Majesty's Justices of the Peace for the said County, To *C. D. E. F.* and *G. H.* of the said County, Greeting. Whereas *C. D.* did, on the Day of 1736, at his Plantation in the said County, take up as a Stray, One Horse, &c. (describing him, and mentioning him to be above Two Years old) and publish Notice thereof, according to the Act of General Assembly, in that Case made and provided: Notwithstanding which, no Owner has yet, as he informs me, appeared to make Claim thereto:

These are therefore, to Authorize and Require you, to value and appraise the said Horse, &c. in Current Money; and make Return of such your Valuation and Appraisement to me. Given, &c.

135. *Return thereof.*

We the Subscribers, in Pursuance of the within Warrant, have this Day met; and after fully viewing and examining the within mentioned Horse, do value and appraise him to Forty Shillings Current Money, and no more. Given under our Hands, at *Stafford County*, the Day of 1737.

136. *Warrant against one for selling by unsealed Weights, or Measures. See Weights and Measures, Sect. 2, 3. Virginia Justice, Page 358.*

137. *Warrant to levy the Penalty. See Weights and Measures, Sect. 3. Virginia Justice, Page 358.*

138. *Mittimus for want of Distress. See Weights and Measures, Sect. 3. Virginia Justice, Page 358.*

139. *Certificate for a Wolf's Head. See Wolves, Sect. 3. Virginia Justice, Page, 362, 363.*



E R R A T A.

| Page | Line | | |
|-------|------|--|--|
| xv | 33 | Coffatation | Cessation |
| | 39 | An repealing | An act repealing |
| xvi | 16 | An declaring | An act declaring |
| | 27 | Sept. 33 | Sept. 23 |
| xviii | 4 | gringing | grinding |
| xxiv | 12 | Anno 1 Jac. | Anno 2 Jac. |
| xxix | 25 | As. 1. Sec. 1. | As. 8. Sec. 4. |
| xxx | 38 | Bork | Pork |
| xxxiv | 1 | alcertaing | ascertaining |
| xxxv | 1 | continuin. | continuing |
| xl | 37 | Great Part of the Title of that Act omitted. | Which see in the <i>Body of Laws</i> . Page 444. |
| 17 | 25 | blot (.) after Burgeffes and | Burgeffes any Day |
| 30 | 37 | duty clear'd | duly clear'd |
| 35 | 34 | blot out (or) | |
| 40 | 4 | a Pipe, a Ton, Hundred | a Pipe at One Hundred |
| | 26 | insert (directly) after the Word (him) | |
| 51 | 35 | insert (to) after hold | |
| | last | insert (of) after see | |
| 86 | 23 | the whole Sum | the whole, the Sum |
| 90 | 19 | Officer | Office |
| 99 | 38 | Four Hundred Pounds | 400 lbs. of Tobacco |
| 103 | 18 | rot | rob |
| | 22 | retain'd | return'd |
| 106 | 34 | insert (,) after in see | |
| 107 | 16 | insert (,) before the Words, of Michael | |
| | last | insert See Sect. 29. | |
| 112 | 1 | Representations | Representatives |
| 114 | 25 | Party | Person |
| 130 | 26 | Rejoimer | Rejoinder |
| 133 | 36 | for | forth |
| 135 | 26 | insert after (as aforesaid) alter'd by 10 Geo. 2. cap. 12. See Debtors. Sect. 6. | |
| 140 | 29 | insert, alter'd by Sect. 70. which see. | |

Instead of

Read and alter it to

E R R A T A.

| Page | Line | | Description |
|------|--------|----------------------------|-----------------|
| 159 | 9 | Prescription | Description |
| | 28 | hereafter | thereafter |
| 162 | 7 | receive the | receive of the |
| | 37 | If any | If in any |
| 168 | 40 | blot out (be) | |
| 176 | 32 | to destroyed | to be destroyed |
| 182 | 6 | Majesty | His Majesty |
| 183 | 22 | Purchasers | Purchases |
| 214 | 9 | whereas | where no |
| 221 | 8 | praised | paid |
| 223 | 38 | there | here |
| 229 | 42 | his or Time | his or her Time |
| 232 | at top | 222 | 232 |
| | 26 | well on | well laid on |
| 239 | 14 | belong | belonging |
| | 38 | blot out (in) | |
| 241 | 12 | Insert in the Margin | |
| | | Anno 1736. cap. 4. | |
| | | Pa. 10. App. 2. | |
| 245 | 27 | Insert in Margin App. 2. | |
| 246 | | Under the several Pages | |
| | | refer'd to in the Mar | |
| | | gin, insert App. 2. | |
| 247 | | the same | |
| 248 | | the same under Pag. 16. | |
| 249 | last | he Reversion | the Reversion |
| 259 | 27 | blot out (na) after by | |
| 261 | | Insert App. 2. under Pa. | |
| | | 28, in the Margin. | |
| 263 | 30 | blot out (or) before other | |
| 267 | 11 | County | Bounty |
| 275 | 28 | Seventeen | Seven |
| 283 | 10 | in own | in his own |
| 300 | 12 | last | lost |
| | 28 | blot out (a) | |

In the P R E C E D E N T S.

Precedent 22, Line 4, add after Parcels, (hereunto annexed, contains a just and true Account of the several Parcels of Merchandize, &c.

Prec. 43, Line 6, add (them) after mentioning.

Prec. 49, Line 5, for, examined ; read, examinant.

Prec. 58, Line 3, for, your Return ; read, upon your Return.

Line 8, for, Court issued ; read, Court, I issued.

Precedent

E R R A T A

Precedent 67, Line 7, add after Current Money, (with Costs. These are therefore, in His Majesty's Name, to command you forthwith to levy the said Ten Shillings Current Money, together, &c.)

Prec. 73, Line 5, for Account; read, Warrant.

Prec. 112, Line 14, for, Certificate; read, Certify.

Prec. 120, Line 10, add after Current Money, (It is therefore considered, that the within named *C. D.* recover against the said *I. K.* the said Four Pounds Current Money, &c.)

Prec. 129, Line 5, add after 19 Shillings, (It is therefore considered, that the said *C. D.* recover against the said *E. F.* the said 19 Shillings, doubled, amounting, &c.)



